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FROM THE BEQUEST OF

JAMES WALKER, D.D., LL.D.,

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FORMER PRESIDENT OF HARVARD COLLEGE;

“Preference being given to works in the Intellectual
and Moral Sciences.”

Chas. Leigh

A

SUMMONS OF WAKENING;

OR,

THE EVIL TENDENCY AND DANGER

OF

SPECULATIVE PHILOSOPHY,

EXEMPLIFIED

IN

Mr. LESLIE'S INQUIRY INTO THE NATURE OF HEAT,

AND

Mr. MALTHUS'S ESSAY ON POPULATION,

*And in that Speculative System of Common Law, which is at present
administered in these Kingdoms.*

TO WHICH IS SUBJOINED,

A

PROSPECTUS OF AN INQUIRY

INTO THE

ORIGIN OF GOVERNMENT AND LAW.

HAWICK:

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PREFACE.

THE following Observations upon Mr. Leslie's Inquiry into the Nature of Heat, and upon Mr. Malthus's Essay on Population, were originally intended to have been given as a note upon the proposed Inquiry into the Origin of Government and Law, by way of examples of the perversion of that plan which, it will be there shown, the Creator established at the very beginning, for the proper construction of language, and as striking examples of the perversion of the natural use of it; but these Observations having unavoidably become far too voluminous to be inserted in the shape of a note, the Author has been induced, by the advice of some respectable friends, to whose consideration they have been submitted, and in whose good understanding he can with confidence rely, to submit them to the consideration of the public, in the shape in which they now appear, as a separate work, by way of Introduction to the proposed Inquiry *into the Origin of Government and Law*. He has been the more readily induced to comply with the wishes of his friends, in presuming to submit these Observations to the judgment of the public, at this time, on account of two bills which

have been lately introduced into Parliament; the one by a Noble Lord, lately high in office, *for reforming the Courts of Justice in Scotland*, and the other by a Right Honourable Gentleman, *for the Abolition of the Poor Laws*. As the facts stated in the latter part of the Observations on Mr. Malthus's Book on Population, and upon the present System of the Common Law of this country, appear to be highly necessary for the consideration of every member of our Great National Council, before they proceed to give their vote, for or against enacting either of these bills into a law; and, because it has appeared to him, from the speeches which have been made for and against these proposed laws, as detailed in the newspapers, that the facts contained in these remarks, which are now most humbly submitted to their notice, have not yet occurred to their observation.

ERRATA.

Page 4, line 25, after *inquiry*; add *every*.

— 8, — 22, for *alter*, read *utter*.

— 80, — 2, for *these terms render*, read *has rendered*.

— 103, — 21, for *had*, read *heed*.

— 104, — 24, for *species of truth*, *specious truth*.

— 175, — 8, for *of*, read *or*.

— 219, — 24, dele *to*.

— 222, — 28, after *to be*, add *introduced*.

— 231, — 12, dele *with*.

OBSERVATIONS

*On Mr. LESLIE'S Inquiry into the Nature of
Heat, and on the Speculative Opinions con-
tained in his Book.*

TRUTH MUST PREVAIL.

IN the proposed Inquiry into the Origin of Government and Law, a Prospectus of which is hereto subjoined, it will be shown, that, by the proper exercise of these senses, and those rational faculties which the Creator has bestowed upon man, when properly conjoined with those divine revelations which he has made of himself, of his works, and of his will, mankind are enabled to acquire all the knowledge which is necessary for their comfort and happiness, and for

B

the proper regulation of their conduct, while they remain in this world. It will be shown, that, by a proper combination of reason and revelation, mankind are enabled to acquire a knowledge of that beautiful, but simple plan upon which all nature is formed ; of that system which the Creator established at the beginning, for the government of all his works ; and of the law which he also established for the regulation of that government. From whence it will appear, that no art, or science, or invention, can be useful to man, if it is not constructed upon the same plan as that which the wisdom of the Creator devised, for the construction of nature itself. It will appear also, that the only natural and proper use of that language which the Creator has bestowed upon mankind, is, to convey a knowledge of truth from the mind of one man, to that of another ; and that it must for this purpose, be constructed upon the same plan, as that upon which all nature is built ; and that every man is bound to speak the truth unto his neighbour. Also, that it is only by our obedience to that simple rule which the Creator has given to man for the proper construction of his language, that we can possibly acquire any certain knowledge of truth. But it will al-

so be shown, that this false and unnatural construction of language which so universally prevails amongst mankind at this time, and which consists in a heterogeneous mixture of truth, falsehood, and speculative opinions, has a direct tendency to darken the minds of men, to lead them into the paths of error, and to bring them into a state of bondage and slavery. It will appear from the revelations of God, that this false construction of language was the invention of that wicked spirit who was the original cause of all evil, and the father of lies. I propose to show, that the language in which Mr. Leslie's Inquiry into the Nature of Heat, and Mr. Malthus's book on Population is composed, are perfect copies of this base original. And I propose also to show, that both these books have a direct tendency to destroy the fear of God in the minds of men, and to overturn both the established religion and government of this kingdom.

It was before observed, that no art or science can be useful to man if it is not perfectly constructed upon that plan which the wisdom of the Creator devised, for the construction of nature itself.

That science which is properly termed *Mathematics*, is, it is well known, founded upon certain small obvious truths, which are conveyed to the mind by the organs of sense. These small truths are generally termed *axioms*; because being simple and self-evident, they neither require, nor can admit of any illustration.

In the progress of mathematical inquiry, it becomes the proper employment of those rational faculties which the Creator has bestowed upon mankind, to arrange, combine, and unite together, so many of these simple truths or axioms, which have been conveyed to the mind by the organs of sense, as are necessary to form one complete whole; and this complete whole, if it is properly formed, will demonstrate the existence of another and more important truth than any of those of which it is composed; the knowledge of which is thereby conveyed to the mind. This secondary or compound truth becomes then as truly an axiom, and is as obvious to the mind, as any of those simple truths of which it is composed. In this way we advance from stage to stage, in what is properly termed mathematical inquiry; succeeding combination of smaller truths forming, like the construction

of nature itself, another still greater whole, or more important truth.

In the proposed Inquiry into the Origin of Government and Law, it will be shown, that every inquiry into the works of creation and providence, must necessarily be formed upon the same plan, and that every such inquiry is and must be founded upon a proper combination of those simple natural truths, that have been conveyed to the mind by the organs of sense, and of those simple revealed truths that are contained in the Scriptures; that it is only by a proper combination of reason and revelation, that any certain knowledge of truth can be obtained; and that to this gradual accumulation of the knowledge of truth by a proper combination of reason and revelation, there seems to be no end.

But the great enemy of mankind having been constantly labouring from the beginning, to darken that knowledge of truth which the Almighty had implanted in the mind of man, he has, it appears, been permitted to enable some of his auxiliaries amongst mankind, to invent a new system of mathematics, which has been properly termed speculative, and it is truly so: for this speculative system is not founded upon

any known truth; it has no existence in nature; and is only to be found in the vain imaginations of those men who pretend to teach it. In order to give some plausible appearance to this false system, they have been enabled to invent certain learned names which they have termed *principles*; and although these learned names are mere indefinite terms, and although the thing supposed to be signified by the name cannot be discovered to exist in any part of the natural world from the effects which it is said to produce, they endeavour to make us believe, that these pretended principles are real, active, intelligent beings, and are invested with power to regulate the different parts, both of the natural and moral world.

By mixing these speculative opinions with real mathematical truths, these speculative philosophers, find themselves enabled to give to their speculative opinions the semblance of truth; and when it serves their purpose, they are thereby enabled to change truth itself into the semblance of a lie.

Under that cloud of impenetrable darkness, in which these speculative deceivers by this means involve their speculative opinions, they make their deluded votaries believe the most im-

portant truths are concealed ; and which none but the most learned are able to discover.

By this false system of mathematics, which is now almost universally taught in our schools, the minds of youth are led into the paths of error in the very outset of their inquiry after truth ; and they are thereby made to spend some years of the most precious part of their lives, in vainly searching after that pretended knowledge which having no existence in nature, is no where to be found.

Of this perversion of mathematical truths, and of the perversion of the natural use of language, I shall now give a few examples from Mr. Leslie's Inquiry into the Nature and Propagation of Heat.

Mr. Leslie pretends to found his reasoning in this Enquiry upon certain experiments which he had previously made, and which are detailed in the beginning of his book.

Every experiment, it must be acknowledged, is a direct appeal to the senses, and to the common understandings of mankind. And the result of every experiment, if it has been properly conducted, must either be an obvious truth, or axiom, or it is nothing. But we too frequently find speculative philosophers spending their

time, and multiplying experiment upon experiment, not for the purpose of obtaining a knowledge of the truth, but for the purpose of confusing the minds of other men ; and for the purpose of supporting some speculative opinion which they themselves have previously entertained. It is not difficult for such men to conduct their experiments in such a way as to deceive superficial observers, and make them believe that the result of the experiment is a direct confirmation of their own speculative opinion. It is therefore necessary, before we give our assent to the apparent result of any experiment, that we should be previously convinced that the experiment itself has been properly and rationally conducted. But it generally happens, when such men attempt to multiply experiment upon experiment, and to change the same simple experiment into three or four different shapes, in order to deceive, that they themselves are caught in that very snare which they are laying for other men, and alter the truth without seeming to be sensible of it. In these cases it uniformly happens, that these men, in their reasoning upon their experiments, flatly and positively contradict those very truths

which they had unguardedly uttered immediately before.

How far these observations do apply to Mr. Leslie's conduct, will best appear from the account which he himself gives us of those experiments, which will afterwards become the subject of our observations.

That Mr. Leslie did set out in this Inquiry, with a preconceived speculative opinion of his own respecting the *nature of heat*, he himself tells us very plainly in the preface to his book, where he says, "Reflection had long taught me to consider the communication of heat among insulated bodies, as performed only by the medium of the intervening air. This opinion I now put beyond dispute." And although he does not expressly say so, it will appear very evident afterwards, that he set out also with another speculative opinion, viz. that the rays of heat proceeding from a heated body, do not, *like those of light radiate in all directions from the centre of the body*; and that they are not, *like light equally diffused through the adjoining space*. And it will appear, from a careful examination of a few of those experiments which he relates, that he has uniformly endeavoured

to support these speculative opinions, by a manifest perversion of the truth.

But in order to render the observations which I have to make upon these experiments objects of sense, and to be thereby enabled to convey the truth of them more perfectly to the mind of the reader, I must, in the first place, delineate the situation of the different instruments employed by him in these experiments, as described by himself.

Let the lines A B C D (see plate 1.) represent the table upon which the experiments were made; the small segment of the circle E the reflector, 12 inches in diameter; F the thermometer, placed in the focus of the reflector; G the canister, of four inches square, placed at ten times its own breadth from the reflector, as directed in the 20th experiment, and in the centre of the circle E H I K.

We shall now proceed to examine

EXPERIMENT I.

Which Mr. Leslie describes as follows:—

- “ Paint one side of the canister with lamp-black;
- “ coat another with writing-paper, and cover a
- “ third side with a pane of crown glass. Thus
- “ prepared, dispose the apparatus for action;

“ turn the black side of the canister to front the
 “ reflector, and fill it with boiling water. The
 “ liquor of the differential thermometer will rise
 “ to 100 degrees. Bring the papered side into
 “ the same position, a similar effect, though ra-
 “ ther smaller, will be produced, equal to 98
 “ degrees. The vitreous surface will betray a
 “ sensible diminution, its action amounting to
 “ about 90 degrees.

“ Thus blacking, paper, and glass, constitute
 “ the same class of substances, whose effects, tho’
 “ somewhat different, are all very considerable.”

EXPERIMENT II.

“ Things being still in the same situation, di-
 “ rect the bright side of the canister to face the
 “ reflector, and the effect on the focal ball will
 “ be observed to suffer a very remarkable change,
 “ the coloured liquor quickly sinking to 12 de-
 “ grees: but any side of the canister, covered
 “ with tinfoil, and brought into the due position,
 “ will manifest precisely the same action.

“ Thus, in its affection to heat, is tin radically
 “ distinguished from blacking, or paper, or even
 “ glass, since, compared with them, it exhibits
 “ only about the eighth part of the energy.”

These two experiments, in so far as they have

been extended, seem to have been very fairly and properly conducted. We shall therefore assume the facts stated as the result of these experiments; that is, the projecting powers of the blacking, of the paper surface, of the glass surface, and of the clear metallic tin surface, as the foundation of our subsequent observations.

We shall now pass on to the 5th Experiment, which was obviously made for the purpose of confirming the preconceived theory, mentioned in the preface to his book, viz. "That the communication of heat among insulated bodies is performed only by the medium of the intervening air."

In the beginning of the 3d chapter, by way of preface to the 5th Experiment, Mr. Leslie says,

"Provide a light frame of wood, wider than the diameter of the largest reflector, that is, about sixteen inches square, with feet to make it stand perpendicular. The purpose of it is merely to serve as a screen, having, as occasion requires, different thin substances attached to it."

EXPERIMENT V.

"Over this frame extend a sheet of tinfoil, and having arranged the apparatus as before,

“ the canister presenting its blackened surface,
 “ set the screen parallel to it, and advanced about
 “ two inches from it. The effect upon the fo-
 “ cal ball will now be completely intercepted;
 “ at least, if any impression be made at all, it is
 “ too minute to be discerned.”

There is certainly nothing appears in this experiment to support Mr. Leslie's speculative opinion, that *the rays of heat proceeding from a heated body are different from those of light*; because it is a well-known fact, that a sheet of tinfoil *does obstruct the rays of light, as well as those of heat.*

EXPERIMENT VI.

“ Things being disposed as before, remove the
 “ tinfoil from the screen, and substitute a pane
 “ of crown-glass. A very material change will
 “ be now perceived. The liquor of the differ-
 “ ential thermometer will rise to 20 degrees,
 “ estimating the entire and unobstructed effect
 “ of the blackened side at 100.”

The result of this experiment does not still afford any proof that Mr. Leslie's speculative opinion is well founded; but on the contrary, it affords strong proof that the rays of *heat*, are of the same nature as those of *light*. For Mr.

Leslie here states it *as a positive fact*, being the result of this experiment, that one fifth part of the rays of heat proceeding from the blackened side of the canister *was actually transmitted to the reflector through the glass*. He also acknowledges that *light in its passage through glass suffers a similar degree of diminution*. He says, "Though light permeates glass and other diaphonous substances, it yet suffers in its passage a certain degree of diminution or absorption."

In this experiment, therefore, Mr. Leslie furnishes us with very strong evidence against himself, which it is necessary we should keep in mind,

EXPERIMENT VII.

"The apparatus still remaining in the same situation, carry the pane of glass successively forwards, keeping it constantly parallel and opposite to the blackened side of the canister. At each remove, the impression upon the focal ball will regularly diminish; insomuch that, when the screen has gained a position, one foot advanced from the canister, and consequently two feet from the reflector, it will not exceed the thirtieth part of the full effect."

In this experiment he shows us, and *positively*

declares, that although the effect of the blackened side of the canister upon the focal ball of the thermometer be diminished, by removing the pane of glass to the distance of one foot from the canister, a certain portion of the rays of heat proceeding from that side of the canister, *did still pass through the glass to the reflector*, sufficient to produce an effect upon the focal ball, equal to one-thirtieth part of the full effect. This diminution in the effect, occasioned by removing the pane of glass to a greater distance from the reflector, can be very easily and clearly accounted for. But for this purpose it will be necessary to recall the attention of the reader to the first Experiment. In that Experiment, Mr. Leslie describes the different sides of the canister which he then employed, to be coated with different substances, viz. one side was covered with a coat of black paint, another with a sheet of writing-paper, a third with a plate of glass, and the fourth side remained in its natural state, having a clear metallic surface. And it appeared from that experiment, that these different surfaces possessed very different powers in the projection of the rays of heat which proceeded from the heated body contained in the canister. Mr. Leslie says, that the black surface raised the co-

loured liquor in the thermometer to 100 degrees, the paper surface to 98 degrees, the glass surface to 90 degrees, and the clear metallic surface to only 12 degrees. It is, therefore, evident from this experiment, that each of the sides of this square canister, covered with these different substances, must exert their respective powers within certain portions of that circle in the centre of which the canister is placed. To discover the bounds to which the powers of these different sides of the canister extend, let us draw the lines e, f, r, q, (see plate 1.) from the centre of the canister G, and through the four corners of it, to the circumference of the circle E H I K. These lines obviously divide the circle into four equal different parts: and it is as obvious, that the four sides of the canister covered with these different substances, will produce their respective effects mentioned above, throughout the whole of that quarter of the circle in which they are placed. And as no straight line drawn from the centre of the canister through any of these different surfaces or different sides of it, can extend beyond the limits of these bounding lines, it is obviously impossible for any of these different sides of the

canister, to mingle its effects upon the thermometer with those of any of the adjoining sides ; until some part of the reflector is brought to occupy some part of each of the two quadrants of the circle. But it is easy to place the reflector in such situations as to mingle the effects of any two sides of the canister, upon the thermometer, in any proportion we please. For example,

Suppose the reflector, and also the thermometer to be fixed fast, in their proper situation, upon the piece of wood M, extending a little beyond the canister at one end, and a little beyond the circumference of the circle at the other, and moveable upon a centre under the middle of the pedestal, upon which the canister G is placed. We shall be enabled, by this means, to remove the reflector, and the thermometer, to any part of the circle we please, without deranging the apparatus. Suppose the reflector to be, by this means, turned round to the right hand, until the line g, drawn from the centre of the canister, to the extreme edge of the right side of the reflector, be brought to correspond precisely with the line e. In this situation, the whole of the reflector will still remain within that quarter occupied by the black side of the

D

canister ; and it will, in this situation, produce precisely the same effect upon the thermometer, as it did when it was placed directly in front of it.

Let the board be now moved round still farther to the right hand, until the axis of the reflector L, correspond precisely with the line e. In this situation, it is obvious, that the black surface of the canister will act upon one half of the reflector, and the clear surface upon the other half of it : and by this means, an effect will be produced, compounded of one half of the power of the black surface which is 50 degrees, and one half of the power of the clear surface, which is 6 degrees ; and in consequence, the coloured liquor in the thermometer will, in this situation of the reflector, immediately descend to 56 degrees.

We shall afterwards have occasion to show the particular effects which may be produced upon the thermometer, by the combined effects of any two of the four different surfaces of the canister, corresponding to any degree of the circle occupied by the breadth of the reflector.

Let us now return again to the consideration of the 6th Experiment, and show the cause of that declension in the effect upon the thermo-

meter, which is said in the 7th Experiment, to have been produced by removing the pane of glass to a greater distance from the canister.

Let the frame, containing a pane of glass of six inches long, and of a sufficient breadth to cover the whole of the black face of the canister, be placed at I, (see plate 1) two inches from the front of the canister. The glass, in this situation, will extend from the line e to the line f, and consequently it will there intercept the whole of the rays of heat which issue from the black surface of the canister, and which are diffused through that quarter, or 90 degrees of the circle. In this situation Mr. Leslie says, in the 6th Experiment, that only one-fifth part of the rays, or one-fifth part of the whole unobstructed power of the black surface of the canister, *was transmitted through the glass to the reflector*: and he supposes, that the other four-fifths of the rays *were absorbed by the glass in their passage through it*. It is, however, as probable that these rays were reflected from the surface of the glass.

Now remove the glass screen to m, one foot distant from the front of the canister. It will, in this situation, cover only 18 degrees of the circle, between the lines i and k; and conse-

quently can receive only one-fifth part of the rays of heat proceeding from the canister which fell upon it in the former situation, when it was placed near the canister. For in that situation, the rays of heat discharged by the black surface of the canister, passed through the glass in a condensed state; the glass being there, near the centre of the heated body from whence they proceed. But when the screen is removed to *m*, it is obvious, that those rays of heat are greatly diffused; and the force of these rays, which fall upon it in that situation, must, in consequence, be diminished in proportion to that diffusion: and, as has been already observed, they can possess no more than *one-fifth of the power* which they had in the first situation of the screen. And if four-fifths of these diffused rays which fall upon the glass in this distant situation, and which are only one-fifth part of the whole rays that proceed from the black surface, are also absorbed by the glass in their passage through it; it is not possible that the remaining fifth-part of these diffused rays could produce an effect upon the thermometer of more than four degrees. For as the black surface of the canister, when the glass-screen was placed immediately before it, produced an effect upon

the thermometer of only 20 degrees, it could not, when the screen was removed to m, produce more than one-fifth part of that effect; and the fifth part of 20 is just 4 degrees. This is precisely one-twenty-fifth part of the full and unobstructed effect. But as it is probable, that more than four-fifths of these diffused rays would be absorbed or reflected, it might, perhaps, in that situation, produce an effect of only one-thirtieth part, which he says it actually did.

We will now proceed to

EXPERIMENT VIII.

“ Remove the pane of glass, and in its stead
 “ attach to the frame a sheet of writing paper;
 “ dispose the apparatus properly, and, having
 “ placed the screen two inches before the black-
 “ ened side of the canister, fill this with boiling
 “ water. The liquor of the differential ther-
 “ mometer will now rise to 23 degrees; an ef-
 “ fect equal nearly to the fourth part of what it
 “ produced without the intervention of the
 “ screen.”

This, in opposition to Mr. Leslie's opinion, is surely a proof that heat as well as light *is transmitted through the paper.*

There is, however, a circumstance in this ex-

periment, which deserves attention. We know that a greater quantity of light is transmitted through glass than paper; but we find from this experiment, that paper transmits more of the rays of heat, proceeding from a heated body, than glass.

The cause of this is certainly not obvious; but no conclusion can be drawn from it in favour of Mr. Leslie's speculative opinion. Glass, we know, is a much more powerful reflector than paper, and if paper reflect less, it will of consequence, absorb more; and probably transmit more: and although a great part of those rays, which have passed through the paper, are not visible to our senses as light, yet they may still perhaps be found to exist, by the effect produced upon the thermometer.

In the fifth Experiment it is demonstrated, that the rays of heat proceeding from a body heated to the degree of boiling water, are not transmitted through a sheet of tin-foil, when detached from the canister in which the water is contained, in such quantities as to produce *any sensible effect upon the thermometer*. But it is declared in the 6th, 7th, and 8th Experiments, that those rays of heat were transmitted to the

reflector, through a screen composed of glass or paper.

Being, however, determined to support his own preconceived opinion; and being seemingly altogether insensible of these truths which he had just before uttered, Mr. Leslie proceeds to draw a general conclusion from these experiments, He says,

“What then is this calorific and frigorific fluid after which we are inquiring? It is incapable of permeating solid substances. It cannot pass through tin, *nor glass, nor paper.* It is not light, it has no relation to æther, it bears no analogy to *fluids*, real or imaginary, of magnetism and electricity. But why have recourse to invisible agents?”

“Quod petis hic est.

“It is merely the ambient air.”

Here we have Leslie, contra Leslie. Which of them are we to believe? The first, like a faithful and true witness, simply declares the truth that was conveyed to his mind by the organs of sense. He says, That, in the 6th Experiment, one fifth-part of the rays of heat proceeding from the canister, were actually transmitted through *a pane of glass to the reflector.*

And in the 8th Experiment, That one fourth part of these rays were actually transmitted through a sheet of *writing-paper*. But the other Leslie, being determined to support his own speculative opinion, and in direct contradiction to the testimony of his own senses, says, 'These rays of heat cannot pass *through paper, or through glass*.'

In one part of the passage before quoted, we are told, that the rays of heat proceeding from a heated body, *bear no analogy to fluids real or imaginary*; and yet in the very next sentence it is as positively affirmed, that it is merely the ambient air.

Is not the air in which we breathe a fluid?

This book of Mr. Leslie's, and particularly the experimental part of it, is such a composition of contradictions; such a mixture of truth and speculative opinions, as would induce any person who reads it over with attention, to believe that it must have been composed by two different persons of the same name, but of very different characters; that the one has undertaken the drudgery of performing the experiments, and fairly stated the truth, as it appeared to his own senses; and that the second Leslie, having set out with a speculative opinion of his own,

is constantly endeavouring to support that opinion by perverting those truths which the other had stated. For the purpose of marking more distinctly the parts which these two opposite characters have acted in the composition of this book, we shall call the one *Mr. Truth*, and the other *Doctor Speculative*.

Mr. Truth now goes on with eleven other Experiments, and proves by the 10th, 11th, 12th, and 13th Experiments, that the rays of heat proceeding from a body heated to the degree of boiling water, do actually penetrate through plates of tin, when these plates are covered with another substance, whose reflecting power is less than that of tin: and that they will even penetrate through a deal-board of an inch in thickness, in such quantities as to produce an effect upon the thermometer equal to 15 degrees. *Dr. Speculative*, however, still endeavours, by a particular mode of reasoning, drawn from his speculative mathematics, to pervert those truths which the other has stated in these experiments, upon the testimony of his own senses; and boldly affirms, that these experiments are positive proofs of the truth of his own speculative opinion, that the rays of heat,

E

proceeding from a heated body, *cannot* pass through any solid body.

Our good friend *Truth* has already shown us the cause why the rays of heat were transmitted through the tin-foil, and through the plates of tin as stated in the 10th and 11th Experiments. He has shown us, that the power which any body possesses of transmitting heat, is always inversely in proportion to its power of reflection; and that those bodies which reflect most, uniformly transmit least. He showed us in the 4th Experiment, that the reflecting power of *tin-foil is ten times greater than that of glass*. He showed us also in that Experiment, that the reflecting power of any particular body is vested in its *anterior surface*; and that the reflecting power of the glass mirror, remained the same, after the silvering was rubbed off from the back of it. In the 6th Experiment he showed us, that four-fifths of the rays of heat proceeding from the black side of the canister were reflected from the surface of the glass, and that only one-fifth part was transmitted through it to the reflector.

Now, as it appears from the 4th Experiment, that the reflecting power of the silver coating was entirely destroyed by the intervention of

the glass : it is obvious, that the reflecting power of the tin-foil, or of the tin-plate, would be in like manner destroyed by the pane of glass, and the black coating, as described in the 10th and 11th Experiments : and we accordingly find, from these experiments, that the reflecting power of the tin being thus destroyed, the glass, in the 10th Experiment, transmitted nearly the same quantity of the rays of heat through the tin-foil to the reflector, that it did in the 6th Experiment when the tin-foil was not attached to it. And we find from the 11th Experiment, that the black coating transmitted precisely the same quantity of the rays of heat through the tin-plate, as the paper-screen did in the 8th Experiment.

Dr. Speculative having, as he vainly imagined, by his speculative methemathematical reasoning, established his own speculative opinion respecting the nature of heat, he proceeds in the fifth chapter to broach his other speculative opinion, viz, that the rays of heat proceeding from a heated body, *do not radiate in all directions* like the rays of light ; and that *they are not equally diffused through the adjoining space*. *Mr. Truth* is therefore again set to work, to drudge through another set of Experiments, to

prove that this second speculative opinion is also true.

In the beginning of the fifth chapter, honest *Mr. Truth*, by way of preface to these Experiments, which he was about to commence, recalls our recollection to those truths which he had told us in the preceding Experiments. He says, "It has been already shown, that the original impressions of heat and cold, are not propagated merely in lines perpendicular to the side of the canister. But this," he says, "may be rendered obvious, by giving the blackened surface of the canister, a small degree of obliquity in regard to the axis of the reflector, for the effect is not thereby visibly altered." But this simple relation of *Truth*, and this direct appeal to the testimony of our senses did not suit *Dr. Speculative's* purpose; and stepping forward here, he endeavours to raise some doubt in our minds, respecting the fact which honest *Truth* had just before uttered; for the purpose of introducing his own speculative opinion. And he says, "Those impressions are therefore conveyed in diverging lines. Are they likewise diffused equally in all directions? Such is supposed to be the case with the rays of light proceeding from a luminous body. But al-

“ though analogy might induce us to extend
 “ the principle, it cannot safely be admitted
 “ without investigation.”

If *Dr. Speculative* had been really ignorant of the fact, that the rays of heat do actually radiate in all directions from the centre of the heated body, like those of light, which every man of common understanding knows to be a truth ; and which is one of the most unquestionable *axioms* in natural philosophy ; *Mr. Truth*, if he had been permitted, would soon have conveyed this truth to his mind by the following simple Experiment.

By placing a canister, either round or square, all the sides of it being covered with black paint, in its proper situation upon the table at G, (see plate I.) in the centre of the circle E H I K ; the reflector, and also the thermometer, being placed in their proper situations upon the board M ; he could, by moving this board round upon its centre, have carried the reflector to any part of the circle he pleased ; and by this means have shown *Dr. Speculative*, that the heat proceeding from the canister, produced the same effect upon the thermometer in every part of the circle. If it was possible to carry conviction to the mind of any *Mr. Spéculative*, by

the testimony of his own senses, this simple Experiment must certainly have convinced him, that the rays of heat proceeding from the canister, did actually radiate from the centre of it *like those of light*; and, that they must, in consequence, *be equally diffused through the adjoining space.*

But as this simple appeal to our senses would have removed that doubt which *Dr. Speculative* had endeavoured to infuse into our minds, and upon which he proposed to found his own speculative opinion, respecting the manner in which the rays of heat do issue from the heated body; and as it was necessary to conceal some part of the truth in those experiments which he now proposed to make, for the purpose of establishing his speculative opinion, which *Mr. Truth* would not consent to; we find that *Dr. Speculative* has taken the management of these experiments entirely upon himself. He accordingly proceeds with

EXPERIMENT XX.

He says "Set the canister at a distance
" from the reflector, not less than ten times its
" own breadth, and dispose the apparatus as
" usual. In this position, the action of the whole

“ of the blackened surface will be concentrated
 “ upon the focal ball. Turn the side of the ca-
 “ nister more and more oblique, keeping its cen-
 “ tre, however, always in the same place. The
 “ corresponding effects will gradually diminish ;
 “ at first gradually, and afterwards with accelerat-
 “ ing activity.”

As our honest friend *Mr. Truth* has not been permitted to open his mouth in this experiment it is proper to state what he would, and must have said, if he had been permitted to speak.— In answer to *Mr. Speculative's* assertion, that, when the canister was placed at ten times its own breadth from the reflector, *the action of the whole of the blackened surface will be concentrated upon the focal ball* ; he would have boldly replied, *That is not true.* And as a proof of it, he would have referred us to his first experiment ; in which he showed us, that, when he brought the four sides of the canister coated with the different substances there mentioned, successively to front the reflector, they each of them produced a different effect upon the thermometer. He would have stated this as a proof that each of the four sides of the canister must necessarily occupy and exert its own particular power in a certain portion of the circle E H I K

(see plate 1.) in order to show us what part of the circle the four sides of the canister did really occupy; and as *Mr. Speculative* himself acknowledges in his preface to the experiment, that the rays of heat do proceed from the body in *diverging lines*; and these diverging lines must necessarily meet in the centre of the body, he would have directed us to draw the lines *f e q r* from the centre of the canister, and through the four corners of it, to the extremity of the circle. By this means he would have shown us, that the black surface of the canister exerted its power throughout the whole of that quarter of the circle marked No. 1. the clear surface in No. 2. the paper surface in No. 3. and the glass surface in No. 4. He would next have directed us to draw the lines *g h*, from the centre of the canister to the extreme edges of the reflector. *E*; and would have made us observe that the space between these two lines occupied only 16 degrees of the circle; or scarcely one fifth-part of the horizontal rays which proceeded from the black surface of the canister. He would have told us, that, at the distance which the reflector was placed from the canister in this experiment, the horizontal rays proceeding from the black surface, would occupy a space equal to 5 feet and

4 half horizontally, and as much vertically : that 5 and a half, multiplied by 5 and a half, would give us 30 square feet, as the space occupied by the rays proceeding from the black surface of the canister ; and, that as the reflector was only one foot in diameter, it could not receive one-thirtieth part of the rays proceeding from that side of the canister ; and consequently, one-thirtieth part only, and not the *whole* as Dr. Speculative affirmed, could in this situation of the reflector, be *concentrated upon the focal ball of the thermometer.*

Dr. Speculative says, *that having placed the canister with its black surface parallel to the reflector, every degree of obliquity which he gave to that side of the canister, in regard to the axis of the reflector, produced a corresponding effect, in reducing the coloured liquor in the thermometer.*

Mr. Truth, if he had been permitted to speak, would have said, that this also was not true ; that Dr. Speculative had here concealed a part of the truth ; and that he had in this experiment played off a small juggling trick, and brought the clear surface of his canister into action, in conjunction with the black one, in order to deceive us, and to give some semblance of truth to his own speculative opinion. He would have

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put us in mind, that he had told us in his part of the preface to the experiment, that, *by giving the blackened surface of the canister a small degree of obliquity in regard to the axis of the reflector, the effect upon the thermometer was not visibly altered.* He would have told us, that Dr. Speculative, in his account of this experiment, had endeavoured to conceal it from our knowledge, that no visible effect was actually produced upon the thermometer until he had given the blackened surface of the canister an obliquity equal to 37 degrees of the circle; and brought the corner a of the canister, and consequently the line e to correspond with the line g. He would have informed us, that this was the *degree of obliquity* which he alluded to in his part of the preface to the experiment. He would have told us, that Dr. Speculative still continuing to turn his canister round to the left hand, he then brought the clear surface of it to act upon the reflector along with the black one; that he thereby gradually diminished the power of the black surface, and gradually increased the power of the clear one; and that that *corresponding effect*, which Dr. Speculative mentions in his account of the Experiment, was thereby produced. But,

If our friend *Mr. Truth* had been permitted to open his mouth upon this occasion, he would have told us, that *Dr. Speculative*, when he said, in his account of this Experiment, that the effect produced by the obliquity of the canister upon the thermometer, *diminished; at first gradually, and afterwards with accelerating activity*, was likewise not true: that the coloured liquor in the thermometer, did in that Experiment, descend gradually, and by a regular and uniform series of 5 degrees and a half, for every degree of the circle through which the corner a of the canister moved, in its passage from the line g, to the line h; where the black surface was thrown entirely out of action. He would have given us sensible and unquestionable evidence of this fact. He would for this purpose have recalled our attention to his first Experiment, where he showed us, that the power of the blackened surface of the canister raised the coloured liquor in the thermometer 100 degrees; and that when the clear surface of it was presented to the reflector, it raised it only 12 degrees. In order to discover the cause of that declination of the thermometer, which *Dr. Speculative* says was occasioned by the increasing obliquity of the blackened surface of the canis-

ter, and which Mr. Truth has already proved, could only take place while the corner a of the canister was travelling round the circle from the line g, to the line h ; he would have directed us to divide the numbers before mentioned, or the powers of each of these surfaces by 16, being the number of the degrees of the circle occupied by the reflector. That, by dividing the whole power of the black surface, viz, 100 by 16, we would have 6.25 or 6 and a fourth degrees of the thermometer, as the proportional declension of the power of the black surface; and in like manner, by dividing 12, or .120 in decimals, by 16, we would have .75 or three-fourths of a degree of the thermometer, as the proportional increasing power of the clear surface, corresponding to each degree of the circle, through which the corner a of the canister moved. Upon these clear and obvious facts, he would have directed us to construct the following table.

In the first column of this table, we have the declining power of the black surface; in the second column, the increasing power of the clear surface; and in the last column, the combined effect of both upon the thermometer, in every degree of the circle, through which the canister moves.

It will be observed, that the degrees of the circle in the left hand column, commences in the line g, where the black surface of the canister continues to act with its full power; and where the clear surface has not yet come into action: and that it ends in the line h, where the power of the black surface entirely ceases, and where the clear surface acquires its full power; comprehending 16 degrees of the circle.

Degrees of the circle.	Influence of the black surface upon the thermometer.	Influence of the clear surface upon the thermometer.	Combined influence upon the thermometer.
	Degrees.	Degrees.	Degrees.
0	100.—	0.00	100.—
1	93.75	.75	94.50
2	87.50	1.50	89.—
3	81.25	2.25	83.50
4	75.—	3.—	78.—
5	68.75	3.75	72.50
6	62.50	4.50	67.—
7	56.25	5.25	61.50
8	50.—	6.—	56.—
9	43.75	6.75	50.50
10	37.50	7.50	45.—
11	31.25	8.25	39.50
12	25.—	9.—	34.—
13	18.75	9.75	28.50
14	12.50	10.50	23.—
15	6.25	11.25	17.50
16	—	12.—	12.—

In this way Mr. Truth, if he had been permitted to open his mouth in the course of this experiment, would have shown us that what he said in the preface to the experiment was true, and that the rays of heat, proceeding from a heated body, are most unquestionably *equally diffused through the adjoining space.*

Dr. Speculative, however, draws a very opposite conclusion from this deceptive experiment which he had contrived. He says, "The impressions of heat or cold are, therefore, propagated through the air *with unequal degrees of diffusion.* Their force is evidently greatest in the line perpendicular to the surface, and regularly decreases as the direction becomes oblique. Between that force and the angle of obliquity some relation must subsist; which is the next object of inquiry."

Dr. Speculative now proceeds to

EXPERIMENT XXI.

He says, "Provide a tin screen composed of two sliding parts that shut together in a vertical line, but leave, when opened, an aperture or slit of any required breadth. Arrange the apparatus as formerly, and plant the screen a little before the canister, and parallel to its blackened side.

“ Open the screen by drawing out both sides
 “ equally ; and note the effect produced upon
 “ the differential thermometer. Now turn the
 “ canister about upon its centre, till it is just
 “ sufficient to fill up the void space behind, or
 “ such, that no straight line can pass by the edge
 “ of the canister, and through the aperture,
 “ to the reflector. As the aperture is thus suc-
 “ cessively contracted, the canister will acquire
 “ an inclination always more oblique.”

This and the two succeeding Experiments, are mere repetitions of the last one. *This tin sliding screen* seems to be the last effort of Dr. Speculative's genius, for the purpose of throwing a shade of mystery over his experiments ; vainly imagining, that he would be thereby able to deceive the penetrating eyes of *Truth*, who still attends him, and shows us all the vile artifices which he employs to deceive us. It is perfectly obvious, that this screen is a mere deception, and could be of no sort of use in the experiment.

For, if the aperture in the middle of the screen was equal to the space between the lines g and h, (see plate 1.) all the rays of heat proceeding from the canister, would pass as freely to the reflector, as if the screen had not been there ; and

the effect would continue the same, whatever degree of obliquity he might give to the canister, until he brought the corner a to correspond with the line g, as was shown in the last experiment. If he made the aperture less than the space between the lines g and h, he would then obstruct a part of the rays in their passage to the reflector; and he might in this way reduce the effect upon the thermometer in any proportion he pleased. But could this be considered as any proof that the rays of heat *are not equally diffused*? These remarks are fully confirmed by our friend *Truth*, in the observations which he makes upon this experiment. He says,

“ In every case the impression made upon the
 “ focal ball will depend upon the quantity of
 “ aperture, and will be nearly the same, *whether*
 “ *the canister stands parallel or inclined to the*
 “ *screen*. When the obliquity becomes indeed
 “ very considerable, a small diminution of effect,
 “ seldom amounting to the tenth or twentieth
 “ part begins to be perceived.”

Does not our friend *Truth* here confirm what he told us in the preface to the 20th experiment where he says *That the obliquity of the canister produced no sensible difference in the effect*? And does he not as directly contradict what Dr. Spe-

culative told us in that experiment, where he says, *That every degree of obliquity which he gave to the black surface of the canister produced a corresponding effect upon the thermometer?* But Dr. Speculative being still determined to resist the voice of *Truth*, and being still determined to maintain his own speculative opinion; impudently says, "We may therefore conclude in general, that the remote action of a heated surface is equivalent to that of its orthographic projection, or can be estimated by the visual magnitude of its source." Our good friend *Truth*, still true to his trust, resolutely pursues him through all the intricate mazes which he had invented to deceive him, and overturns this sophistical conclusion by the observation which he immediately subjoins to it. He says, "Hence a canister of a prismatic form, and having its acute angle turned towards the reflector, will produce the same impression upon the focal ball, as if, with an inverted position, it presented its base." This is saying expressly, that the obliquity of the sides of the prism causes no diminution of the effect upon the thermometer; and that it is equally as powerful as when the plain surface of the canister is placed parallel to the reflector. Is not this directly confirming what he told us

in his preface to the last experiment, where he says *That the obliquity of the canister produced no sensible difference in the effect?* and is it not as positively contradicting what Dr. Speculative told us in that experiment where he says, *That every degree of obliquity produced a corresponding effect upon the thermometer?*

It was before observed, that the two succeeding experiments are mere repetitions of the 20th. In the 23d experiment, however, he takes some slight notice of the effect of the clear surface of the canister, when it is brought into action by turning round the canister, along with the black one. But this, he says, proceeds *from aberration*. And he proposes to correct the error occasioned by this *aberration* by mathematical calculation. This we have already done in our observations upon the 20th experiment, and there shown the simple fact. But why make use of a canister of this description, which renders calculation necessary to find out the true result? Is it possible to conceive that Dr. Speculative could have any other motive for doing so, but that of involving a simple truth in mystery; that he might be thereby enabled to mislead our understandings. Being seemingly conscious that he was unable to blind the piercing eyes of.

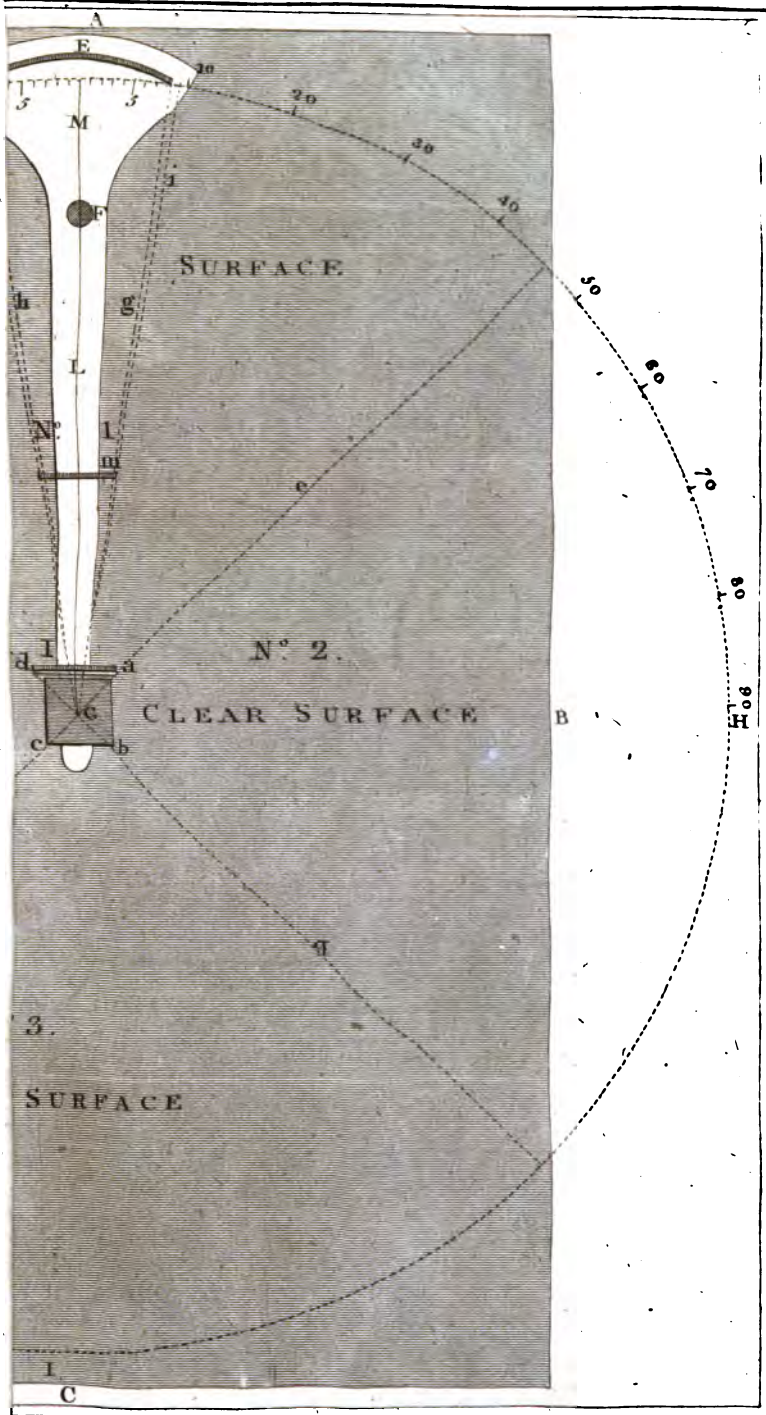
Truth by his juggling experiments, Dr. Speculative now fairly flies off into the clouds of speculative mathematical darkness:

“And with him fled the shades of night.”

I do not know how Mr. Leslie will relish this catalogue of contradictions which I have mustered up against him. He must have a very extraordinary share of confidence indeed, if he can read them without blushing. He cannot surely be surprised, if the world in general should be disposed to believe, that the portrait which he himself has drawn of the author of these experiments, is a true likeness of his own character.

This mixture of truth and falsehood, which is so conspicuous in Mr. Leslie's description of the different experiments that have come under our observation, is surely a striking example of that *perversion of the natural use of language*, and consequently of that false construction of it, which prevails so much in the world at this time; and which so particularly characterises the writings of those speculative pretenders to wisdom, who are perpetually obtruding their speculative opinions on the world as established truths. It is, however, only a small but true sample of the whole composition of this book.

PLATE I.



Mr. Leslie, having, as he vainly imagined, established his own speculative opinions respecting the nature and propagation of heat, by that perversion of truth which is so conspicuously displayed in the account he gives of his different experiments; he proceeds in the 8th chapter, to rear a building upon this false foundation. But seeing that the foundation is altogether visionary, we may well believe that the superstructure which he pretends to raise upon it, must be visionary also.

The whole of this chapter is, indeed, so perfect an example of the false construction of language, such a complete mixture of truth and falsehood, of speculative opinions, and speculative mathematical nonsense, and so profusely embellished with learned names and technical terms, that no human being can pretend to understand it, or discover what object the author has in view. But he at last assumes to himself the appearance of an *angel of light*, and steps forth out of this dark cloud, to enlighten our darkened understandings. He says, "The whole scope of this reasoning, it will be perceived, is in direct contradiction to the noted axiom of the schools, that *nothing acts where it is not*." But I would observe, that all axioms are merely

"the simple conclusions drawn *a priori* from
 "familiar experience; that, however fitted for the
 "ordinary business of life, they are useless and
 "even prejudicial in philosophy; and, that being
 "derived from loose and superficial views, they
 "often require restriction, and are liable to inac-
 "curacy. In matters of science, the general
 "opinion of mankind, termed common sense, is
 "always a very suspicious standard of appeal.
 "If a body acted only within itself, it is clear,
 "that the force could never be transmitted; there
 "would be no communication, no sympathy
 "with the rest of the universe. In vain shall
 "we have recourse to the agency of invisible *in-*
 "*termédia* : the interposing of successive stations
 "may divide, but will not annihilate distance;
 "and, after torturing our imagination, the same
 "difficulty still recoils upon us."

"It is a remarkable and instructive fact in
 "the history of philosophy, that impulsion
 "should have been at one period the only force
 "that was admitted. The motion of a falling
 "stone was certainly not less familiar to the
 "senses, than that of a stone which is thrown;
 "but in the latter case, the contact of the hand
 "was observed to precede the flight of the pro-
 "jectile, and this circumstance seemed to fill up

“ the void, and satisfy the imagination. Gravi-
 “ tation sounded like an occult quality : it was
 “ necessary to assign some mechanical cause; and
 “ if there were no visible impulses to account for
 “ the weight of the body, might not that office
 “ be performed by some invisible agent? such
 “ was the sway of metaphysical prejudice, that
 “ even Newton forgetting his usual caution, suf-
 “ fered himself to be born along. In an evil
 “ hour he threw out those hasty conjectures con-
 “ cerning æther, which have since proved so
 “ alluring to superficial thinkers, and which have
 “ in every sensible degree impeded the progress
 “ of genuine science. So far from resolving
 “ weight or pressure into impulse, we have seen
 “ that the very reverse takes place, and that im-
 “ pulse itself is only a modification of pressure.
 “ This statement has already some distinguished
 “ adherents, and must in time become the re-
 “ ceived opinion. Science has experienced
 “ much obstruction, from the mysterious notions
 “ long entertained concerning causation. ”

Here we have a pretty clear declaration under
 Mr. Leslie's own hand, of the great object
 which he proposed to gain by that manifest
 perversion of truth which appears so clearly
 throughout the whole of this inquiry. The

first great object appears to be, to overturn *the established opinions of mankind*; and for this purpose, he endeavours to persuade us, to trust no longer in the testimony of those senses, and in that rational understanding which the Almighty has been graciously pleased to bestow upon us, for the purpose of enabling us to acquire a knowledge of truth.

In this declaration of his sentiments, the cloven foot appears. This we find is the means which the great deceiver of mankind, has employed to seduce them from their allegiance to God; and to bring them under bondage to himself, and to his ministers.

The inhabitants of every nation who have been seduced to worship idols, must of necessity have renounced the testimony of their own senses; and have given up the exercise of their own natural understanding, into the hands of the priests who officiated at their altars, before they could be brought to believe that these dumb idols whom they were taught to worship, had power to confer blessings, or inflict punishments upon mankind. It is also well known, that every member of the church of Rome, is expressly required to give up the exercise of his own natural understanding in

matters of religion, and to believe only as *mother church believes*, or, in other words, to obey implicitly the arbitrary will of the Pope.

It is exceedingly obvious that this learned author is either ignorant of the real meaning of the term *axiom*, or wishes to pervert and obscure that knowledge in the minds of other men. I have before observed, that natural axioms, or those simple truths upon which that science termed natural philosophy is founded, are those truths respecting the existence of external objects, the knowledge of which is instantaneously conveyed to the mind by the organs of sense, such as *a man, a horse, a house, a tree, &c.* The proper exercise of that common understanding, or of those rational faculties which the Creator has bestowed upon men, consists in employing this knowledge, which has been conveyed to the mind by the organs of sense, to its proper use. For example, if I should in the course of my travels through the country, see a person lying upon the side of the road, in the same situation as the man in the gospel *who fell among thieves; stripped like him of his raiment; wounded, and bleeding, and half dead.* That he is in this distressed situation, is to me an axiom; my own senses bearing witness that

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it is true: I see him bleeding, and I hear his groans. If I shall, when I see this distressed object, like the *good Samaritan*, go to him, and bind up his wounds, and use every means in my power for his recovery, I shall act well, and make a proper use of that knowledge which has been conveyed to my mind by the organs of sense. But if, like the *priest and the Levite*, I *pass by on the other side*, regardless of his distressed situation, I should make an improper use of this knowledge, and sacrifice my duty to some base or malevolent passion.

This familiar example will be sufficient to define the meaning of the term *axiom*; and show the natural and necessary connexion between the senses and the understanding: and that, if we were totally deprived of our organs of sense, the understanding would become altogether useless.

If man had only been destined to exist during the present life, the mere use of his senses for the purpose of obtaining a knowledge of external objects, and that portion of understanding which was necessary to enable him to obtain these objects of sense for the gratification of his natural appetites, would have been sufficient to supply all his wants. He would then have been

precisely in the same situation as the beasts of the field.

But the soul of man being destined to enjoy a future state of existence beyond the grave ; and being placed here for the purpose of undergoing a state of trial and probation, as a candidate for that state of happiness which is promised to the righteous in another and better world ; far more important duties than the mere gratification of his sensual appetites are required from him. For the purpose of enabling him to discharge these important duties, the natural mind in his body has been endowed with a much higher portion of understanding, and more exalted faculties, than those which the minds of the beasts of the field possess.

It will be shown in the proposed Inquiry into the works of creation, that man, by the proper exercise of these senses and those rational faculties which the Creator has bestowed upon him, in the contemplation of his works, even unaided by revelation, is naturally and irresistibly led to believe, that all those things which he beholds, must necessarily have been the workmanship of one supremely wise and powerful Being only.

As this Supreme Being, who created all

things, is not visible to our natural senses, and although the contemplation of his works, naturally and irresistibly impresses upon our minds a belief that such a Supreme Being must exist; yet, it is utterly impossible for man, by the mere light of his own natural understanding in its present dark and corrupted state, to acquire any certain knowledge of this important truth, if the Almighty himself had not revealed it unto us. But he has done this in the very first words of revelation, where it is declared that, "In the beginning, God created the heavens and the earth."

This great truth being thus established by the united testimony of *reason* and *revelation*, it has become the great moral axiom upon which that sublime science, generally termed *moral philosophy* is founded. And, it will be observed, that in every part of this sublime science, as taught in the Scriptures, an appeal is constantly made to the same union of natural and revealed axioms, and to the common understandings of mankind. And, it is exceedingly obvious, that, without this union of reason and revelation, no moral truth could be established.

Seeing then, that even the Almighty himself has condescended to make an appeal to those

senses and to that natural understanding which he has bestowed upon man, for the truth of his own existence ; and seeing also, that the whole system of natural philosophy is founded upon those axioms, or natural truths, the knowledge of which is conveyed to the mind by the organs of sense ; with what degree of truth can Mr. Leslie affirm that those axioms, or simple natural truths are *useless and even prejudicial in philosophy*; and that this natural understanding which God has been graciously pleased to bestow upon man, when it is properly employed, *is always a very suspicious standard of appeal*?

It has been already shown, that those axioms, or simple natural truths, are not as Mr. Leslie affirms, to use his own learned language, *gained a posteriori from familiar experience, but a priori*; being instantaneously conveyed to the mind by the organs of sense.

But this opinion respecting the use of those faculties which the Creator has bestowed upon man, that this learned gentleman endeavours to impose upon us as a truth, is like all those other speculative ones which we have already examined, evidently founded on error, and can only be supported by a constant perversion of truth.

But let us enquire more particularly into the

consequences which must unavoidably ensue, both with respect to civil society and religion, if mankind could now be induced to renounce the use of those natural faculties which the Creator has bestowed upon them.

It is perfectly obvious, that, if mankind in general could be induced to renounce all faith in the testimony of their own senses, there would be no natural evidence produced before any court of justice for the purpose of determining any question that might arise between man and man, respecting the ordinary transactions of life; for it is well known that every witness who is called before a court of justice to give evidence in any cause, is expressly bound by his oath, to declare those truths only which he himself has seen or heard; and those truths having been conveyed to his mind *a priori* by the organs of sense, are to him all axioms; and are received as such by the court. But if we should adopt Mr. Leslie's opinion, and renounce our faith in the testimony of our senses, it is obvious, that all our laws would, in this case, become entirely useless; and our courts of justice must, in consequence, be either shut up altogether, or our Judges must be left at full liberty to govern us by their own arbitrary will and pleasure without

any check or controul. In this situation of mankind, they must, of necessity, either submit tamely to the arbitrary domination of a certain order of men as their rulers, or all civil government must be abolished. In this last case, there can be little doubt that the earth, like the old world, would be again quickly *filled with violence*.

If mankind could be induced in compliance with the desires of these pretended philosophers, to renounce their faith in the testimony of their own natural faculties, it is obviously impossible that there could be any such thing as true religion in the world. For having then no natural evidence to prove that the revelations of God are the words of truth, it would be perfectly easy for these sceptical philosophers to make us believe, that, that record of truth in which these revelations are contained, is no other, than a cunningly devised fable. And there is little doubt that they would in this case, quickly bring mankind into the same situation as the heathen nations of old were, when they worshipped *the whole host of heaven, and idols made with hands, and birds, and beasts, and creeping things*.

I do not and will not affirm, that Mr. Leslie, when he wrote this book, had, like these atheist-

ical philosophers, who sprung up in France some years ago, a deliberate and wicked intention of overturning the established religion and government of this kingdom. On the contrary, I really and truly believe, he had not. But I do and will affirm, that these speculative opinions, which he has, in this book, obtruded upon the world, are, like those of the French Philosophers, directly calculated to produce these effects.

I shall now submit it to the serious consideration of all men, who have any regard to the interest of religion, to the honour of God, to the welfare and happiness of the rising generation, and to the welfare and happiness of mankind in general; if a person who could venture to obtrude such a composition of contradictions, and such dangerous opinions, upon the rest of mankind as truths, is fit to be intrusted with the important charge of the instruction of youth.

The speculative opinion respecting *causation*, which Mr. Leslie has introduced in the last sentence of the eighth chapter of his book, and which he seems to have adopted from Mr. Hume, and his reasoning upon it in the note there referred to, are, like these other speculative opinions which we have already examined, evi-

dently founded on error, and has evidently, like them, a direct tendency to destroy the fear of God in the minds of men.

In the proposed Inquiry into the Origin of Government and Law, it will be shown, that the Creator has placed certain active intelligent beings, or *principles*, in every natural body ; and that those spiritual beings or principles are the immediate causes of all those phenomena which we behold in the natural world. And I shall also show, that, by that scale of intelligence which the Creator has bestowed upon those natural principles, advancing gradually from the very lowest order of created bodies to man ; and by that chain of subordination which he has also established among these principles, every part of the natural world is joined together, and formed into one complete whole, and thereby united to God himself, the first cause of all.

Having before observed, that those speculative pretended philosophers and mathematicians have invented certain learned words, and called them *principles* ; and that those pretended principles are all of them false principles. I shall now give an example of one of them, mentioned by Mr. Leslie in his Inquiry into the Nature

of Heat, upon which his reasoning in the 15th chapter of that book is founded; and show that this is truly a false principle; and that his reasoning founded upon it must, of consequence, be false also.

Mr. Leslie, speaking of the motion of bodies, says, "The law of this incessant expenditure is immediately deduced from the celebrated principle of the *conservatio virium vivarum* *.— These pretended philosophers would wish to make mankind believe, that this learned long-named principle, is a real active intelligent being; that it is invested with power to regulate the motion of all natural bodies; and that, by means of its influence, bodies are obstructed in their motion, in *proportion to the square of their velocity*.

As Mr. Leslie has adopted this pretended principle as a real truth, and founds his reasoning upon it, we might naturally expect that he would have been able to give us some information, and have made us to understand the thing, which this long learned name is supposed to represent. But this we know is impossible.

We must not, however, ascribe the invention

* See Mr. Leslie's Inquiry, page 304.

of this false principle to Mr. Leslie. He has only imbibed the idea of its existence, from his instructors. It is nevertheless pretty obvious, that it has been invented by some speculative mathematician like himself.

For, by means of that speculative system of mathematics which these speculative men have invented, they pretended to demonstrate that this celebrated principle of the *conservatio virium vivarum*, is a true principle in nature; and that bodies are really obstructed in their motion, in proportion to the square of their velocity: and this false principle is now universally inculcated upon the minds of youth in our schools, as a demonstrated truth.

Mr. Nicholson, a celebrated philosopher, in allusion to this celebrated principle, in his book, entitled, *An Introduction to Natural Philosophy*, says, "Hence it appears, that in order to maintain the uniform motion of a body in a fluid, a constant accession of force is required to overcome the resistance; but as in general, there is no such accession in the motions which are performed about us, they all decay by degrees, and at length terminate.

"It likewise appears, that when a body moves in any fluid, and is acted upon by any

“ constant force, it can obtain but a certain de-
 “ gree of velocity. For, as the resistance in-
 “ creases with the velocity, but in a higher pro-
 “ portion, namely, *as the squares*, it is plain
 “ that the resistance at a certain period of the ac-
 “ celeration will become equal to the constantly
 “ acting force ; after which the body will pro-
 “ ceed uniformly, and the constantly acting force
 “ will be employed in overcoming that resist-
 “ ance. On this account it is, that bodies that
 “ sink in water, or any other fluids, by the force
 “ of gravity, soon acquire their utmost velocity,
 “ and afterwards proceed uniformly. And in like
 “ manner, a ship, when it first gets under way,
 “ proceeds with an accelerated velocity, till the
 “ resistance of the water becomes in equilibrio
 “ with the action of the wind on its sails, but
 “ afterwards proceeds uniformly, the force of
 “ the wind being entirely employed in over-
 “ coming that resistance*.”

That the whole of this reasoning is founded
 upon that false speculative system of mathema-
 tics, which some speculative pervertor of the
 truth has invented for the purpose of deceiving
 mankind, in order that he might thereby be en-
 abled to lead them into the paths of error, is

* See Nicholson's Introduction, Vol. 2d. Pages 25 and 26.

obvious from the following passage, in which this gentleman says :

“ In mathematical strictness, it is not true,
 “ that a body in these circumstances *ever arrives*
 “ *at uniformity of motion*, for the approach of the
 “ resistance to an equality with the impelling
 “ force is represented by a converging series, the
 “ number of whose terms is infinite, and their
 “ sum in any finite time is less than the impel-
 “ ling force ; but the latter terms soon become
 “ too small to be of any physical consequence*.”

Mr. Leslie, in the passage last quoted from his book, tells us, that this converging series which Mr. Nicholson here alludes to, and we may well suppose their pretended *symtote lines* also, which they tell us are continually approaching towards each other, but which they say can never meet together in any point, although they should be extended through eternity, are deduced from this celebrated principle of the *conservatio virium vivarum*. We must acknowledge, that these incomprehensible effects are well worthy of such an imaginary undefinable parent.

It requires but a very small exercise of these rational faculties which the Creator has bestowed

Nicholson's Introduction, Vol. 2d. Page 26.

ed upon man, to perceive that this speculative nonsense is altogether false. It is perfectly obvious to the common understanding of mankind, that if any two lines are drawn so as to approach towards each other, let that approach be ever so small, though it should not exceed the thousand part of an inch in a thousand miles, yet these two lines still continuing to approach each other in the same proportion, must necessarily at some period, meet together in the same point.

When Euclid undertook to instruct mankind in the knowledge and use of geometry, he endeavoured to convey this knowledge to their minds by sensible figures. But these speculative philosophers have inverted this sensible mode of instruction which Euclid adopted, and which every true philosopher must necessarily adopt, and they pretend to convey to their pupils a knowledge of natural and visible objects by things that are unseen, and which are altogether incomprehensible to the mind of man.

The great end and object of that science which is termed *natural philosophy*, is, as the Apostle expresses it, to obtain a knowledge of *the invisible things of God from the foundation of*

the world, by the contemplation of those visible objects *which he has created*. But these gentlemen endeavour to make us believe, that we can only acquire a perfect knowledge of those visible objects, by means of things which like *their pretended converging series of infinite terms*, is altogether invisible and incomprehensible. It is, however, very obvious that it is impossible for men to acquire any certain knowledge either of God himself, or of his works, by such a ridiculous mode of instruction. But the real fact is, as was before observed, these speculative philosophers would wish to persuade us to renounce the testimony of our own senses, and of our own understanding, and believe implicitly in those speculative, irrational, and impious opinions, which they endeavour to impose upon us.

Mr. Nicholson, like his brother philosopher, Mr. Leslie, has flatly and pointedly contradicted himself in these two passages before quoted. In the first, he says, "That bodies descending through fluids by the force of gravity soon acquire their utmost velocity, *and afterwards proceed uniformly.*" In the next passage, he tells us as positively, that what he had told us before, *is not true*; and that a body in these cir-

cumstances, *never arrives at an uniformity of motion.*

But let us quit this ridiculous irrational method of philosophizing, and employ those senses and those faculties which the Creator has been pleased to bestow upon us, for the purpose of enabling us to acquire a knowledge of truth, and prove, by the testimony of those senses, that this celebrated principle, this *conservatio virium vivarum* is a false principle, and that the motion of bodies descending through fluids is not obstructed *in proportion to the squares of their velocity*, or in any other way than that of the simple, relative specific gravity of the body, to that of the fluid through which it moves; and that bodies descending through fluids do continually accelerate in their motions.

In order to show that this is true, let us in round numbers suppose the specific gravity of the air in which we breathe to be . . . 0,001

That of water 1.000

And that of lead 11.000

It is a simple and universally acknowledged axiom in philosophy, that solid bodies, whose specific gravity is less than that of the fluid in which they may be immersed, cannot sink or descend to the bottom of that fluid, but will be

Immediately thrown up to the surface, and float upon it—for example, a piece of fir-wood in water. If a solid body of precisely the same specific gravity as a fluid, be laid upon the surface of that fluid, we know that it will sink down so far as to remove that part of the fluid which is equal to the bulk of its own body: or, in other words, it will sink down until the upper surface of the body is equal with the surface of the fluid, and there it will remain. But if the specific gravity of the body be only a few grains heavier than that of the fluid, it will then sink to the bottom, and the motion of the body will accelerate in its descent through the fluid, exactly in proportion to the difference or excess of its own specific gravity above that of the fluid; that difference being the constantly acting force which impels the body forward in its descent.

Suppose the body A, (see plate II. No. 1.) to be a ball of lead, and the perpendicular lines B C D E to represent a space in the atmosphere precisely equal to the diameter of the ball: let us suppose that the ball has to descend through the atmosphere, from E to D, where it falls upon the surface of the earth. And let us also suppose the horizontal lines, a b, c, &c. to re-

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present certain equal portions of the column of the atmosphere through which the ball has to pass, of ten, one hundred, or any number of yards each. The specific gravity of the air being 1, and that of the ball of lead 11,000; the difference of the power of these two bodies is, therefore, 10,999. The body of air through which the ball has to pass, can only oppose its descent with a force equal to 1; and the ball will overcome that opposition, with a force 10,999 times greater than that which the air possesses to oppose it. But this is not all: this difference in the specific gravity of these two bodies becomes a constantly acting force to impell the ball forward: and from this cause the velocity of the ball, and consequently its force, will be constantly and regularly increasing, in proportion to this difference between the specific gravity of the ball and that of the air through which it moves.

We know it to be an unquestionable truth, that the body of air through which the ball has to pass, cannot exert one particle of more power to obstruct the descent of the ball, than that which the Creator has bestowed upon it: and this, we know, is only one 11,000 part of the original power of the ball. These being un-

questionable truths, it is obvious, that the ball cannot meet with one particle of more obstruction in its descent from *r* to *s*, than it did from *a* to *b*.

It seems, however, that our speculative philosophers would wish to make us believe, that this *celebrated principle* of theirs can bestow a much greater degree of power upon natural bodies, than the Creator himself has bestowed upon them; and that it has invested the atmosphere with the power of obstructing the ball of lead in its descent, with a force equal to the square of the velocity of the ball. But if this celebrated principle has any existence in nature, it must be a *lying spirit*, and can have sprung from none other but him who is the *father of lies*, as I shall afterwards show.

The difference between the specific gravity of lead, and that of air, being so very great, and that difference being the constantly acting force which impels the ball forward in its descent, we may well suppose that the motion of the ball would, from this cause, accelerate in a geometrical, or duplicate ratio. This being supposed, the following table will show us distinctly, in the first column, the increasing velocity of the ball; in the second column, its increasing

force; and in the last column, the obstruction which this celebrated principle is said to oppose to its descent, at each term.

No of Terms.	Increase of the velocity of the ball in a duplicate ratio?	Increase of the impelling force, or the original force of the ball being 10,999 in a duplicate ratio.	Increase of the obstruction of the fluid, in proportion to the squares of the velocity of the ball.
1	1	10,999	1
2	2	21,998	4
3	4	43,116	16
4	8	86,232	64
5	16	172,464	256
6	32	344,928	1,024
7	164	689,856	4,096
8	128	1,379,712	16,384
9	256	2,759,424	65,536
10	512	5,518,848	262,144
11	1,024	11,037,696	1,048,576
12	2,048	22,075,392	4,194,304
13	4,096	44,150,784	16,777,216
14	8,192	88,301,568	67,108,864
15	16,384	176,603,136	268,435,456
16	32,768	253,206,272	1,073,741,824
17	65,536	506,412,544	4,294,967,296
18	131,072	1,012,825,088	17,179,869,184
19	262,144	2,025,650,176	68,719,476,736
20	524,288	4,151,300,352	274,877,906,944

Mr. Nicholson, in the passage quoted above, says, that *The sum of the terms of the resisting fluid, in any finite time, is less than the impelling force.* But is this the case? We have only carried the preceding statement to the 20th term, and the sum of the terms of the resisting power is there, in place of being *less*, nearly seventy times greater than the sum of the terms of the impelling force. At the 14th term, the resisting and the impelling forces approach towards an equality; but at the 15th term, it appears from the preceding statement, that this celebrated principle has invested the air with a power one-half greater than the force of the ball at the same period. If this had been true, it is obvious that the motion of the ball must have ceased before it arrived at the 15th term. For these speculative philosophers may as well endeavour to make us believe, that a bladder filled with air will sink in water, as say that the leaden ball could descend through the air, if it was really opposed by a power greater than its own.

These speculative gentlemen would wish to make us believe that all kinds of motion in material bodies proceed from the same cause. Mr. Leslie towards the end of his 8th chapter, ex-

plodes *impulse* altogether, as a cause of motion ; and resolves every kind of motion into *pressure*. If his unintelligible jargon in that chapter mean any thing, we are there given to understand that the motion of *a falling stone, and a stone thrown by the hand*, proceeds from one and the same cause. And Mr. Nicholson in the passage before quoted says, that the motion of a ship upon the surface of the sea, is regulated by the same cause as that of a stone or any other solid body descending through a fluid by the force of gravity, viz. by this celebrated principle of the *conservatio virium vivarum*. But the motion of a body descending through a fluid by the force of gravity, and that of a ship or any other body upon the surface of the earth, are very different, and proceed from very different causes.

The primary cause of the motion of a body descending through fluids by the force of gravity, arises from the influence of that great principle of attraction which the Creator has placed in the centre of the earth ; and the particular degree of velocity with which it moves, is regulated by the condensing influence of that principle of attraction which is placed in its own body ; or, in other words, by the difference of

the specific gravity of its own body, above that of the fluid through which it moves. These two powers accompany the body throughout the whole of its descent, and are constantly impelling it forward with the same uniform force, however great its velocity may be. The motion of any body upon the surface of the earth, is, on the contrary, always caused by the action of some other external body upon it; and the velocity with which it moves, is always in proportion to the velocity of the motion of the impelling body.

Without having recourse, as Mr. Leslie says, *to invisible agents*, and without the aid of the *higher geometry*, we can easily explain the cause of that acceleration in the motion of the ship, for a short space after she first gets under way, which Mr. Nicholson speaks of, and also the cause of that equality of motion which she then acquires. And for this purpose,

Let the line A B, Fig. 3, represent the current of the wind; and C a ship just getting under way, to go directly before the wind. As the force of the wind to impel the ship forward, by means of the sails, is always proportionable to its velocity, let us suppose the velocity of the wind to be represented by the number 6, or

by any other number greater than that. Let us suppose, that the ship being impelled forward by the force of the wind acting upon its sails, has, when it arrived at the point a, acquired a velocity equal to 1; at b, a velocity of 2; at c, of 3; at d, of 4; and so on; its velocity increasing in arithmetical progression. Now, as the force of the wind consists entirely in its velocity, it is obvious, that every portion of velocity which the ship acquires, will destroy a proportional part of the force of the wind; and the force of the wind upon the sails will be at all times exactly proportioned to the difference between the velocity of the wind, and that of the ship. After the sails are spread, and before the ship begins to move, the wind acts upon the sails with its full force, which has been supposed to be equal to 6. But, when the ship begins to move forward, and has arrived at the point a, where it is supposed to have acquired a velocity of 1, equal to one-sixth part of the velocity of the wind, it is obvious, that the wind can then only act upon the sails of the ship with a force equal to five-sixths of its original power. When it arrives at b, and acquires there a velocity of 2, another sixth part of the force of the wind would be there destroyed; and when it arrived

at c, and acquired there a velocity of 3, equal to one half of the velocity of the wind, it could then act upon the sails of the ship with only one half of its original power. The ship will still go on increasing in velocity, until the force of the wind, proportional to the difference between its own velocity and that of the ship, is no more than sufficient to overcome the resistance of the water, when it will proceed with uniform velocity. But if the wind should either increase or decrease in velocity, the velocity of the ship would immediately suffer a similar alteration; until the force proportional to the difference between the velocity of the two moving bodies is reduced to an equality with the resisting force. It makes no sort of difference, whether the ship sails directly before the wind, or in an oblique course: the force of the wind will be still reduced in the same manner by the velocity of the ship. That equality which we observe in the motions of wind-mills, water-mills, carriages drawn by horses, or pushed forward by men, all proceed from the same cause, viz. from the reduction of the impelling force by the velocity of the body which is thereby put in motion. For example, if it was possible for a man, in pushing a wheel-

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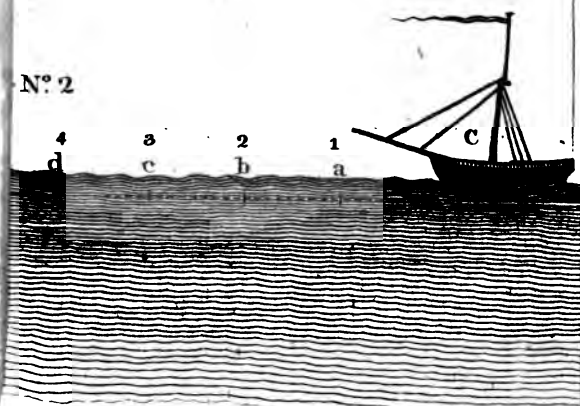
barrow before him, to increase the velocity of his own motion to that degree which would enable him to exert constantly the same uniform force to push the barrow forward, which he did at first to put it in motion, this original force being thus continued, it would produce precisely the same effect as the force of gravity acting upon the leaden ball in its descent through the air, and the velocity of the barrow, like that of the leaden ball, would be continually increasing.

But let us again inquire into the effects which this pretended principle must necessarily have produced upon the motion of the ship, if it had been a real principle of nature, and really possessed the power of obstructing its motion in proportion to the squares of its velocity.

The velocity of the wind has already been supposed to be represented by the number 6, and the increasing velocity of the ship after it was at first put in motion, and when it arrived at the points a, b, c, to be represented by the numbers 1, 2, 3, (see Plate II. No. 2.) As this pretended principle is said to obstruct the motion of bodies in proportion to the square of their velocity, the square of these numbers is 1, 4, 9, as the velocity of the wind, and consequently its force is only 6; it is obvious that the ship could

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never arrive at the point c, because it would be opposed there by a power one half greater than the original force of the wind, by which it was impelled.

We have here another proof that this *conservatio virium vivarum* is a *lying principle*, because we know it to be a truth, from the testimony of our own senses, that ships do continue to move about upon the surface of the ocean, in defiance of its power; and that their motions are not regulated by this pretended principle, but by the force and velocity of the wind.

Whether, therefore, we explore the air, the water, or the earth, to discover this *celebrated principle*, from the effects which it is said, by these philosophers, to produce in these elements, it is no where to be found. We have seen that the motion of a ship upon the surface of the sea, or any other body upon the face of the earth, is as little regulated either by *squares* or *cubes* as the motion of the leaden ball in its descent through the air. The simple cause of that equality of motion which is observed in bodies upon the face of the earth, and of the increasing velocity of bodies descending through air or water has been already explained.

But this celebrated principle carries the mark

of the beast in its forehead: its very name is a lie. For if this *conservatio virium vivarum* really possessed the power which the inventor has ascribed to it, and really obstructed the motion of all bodies *in proportion to the square of their velocity*, it is obvious from the examples which have been stated, that it would be the destroyer, and not the *preserver of life and motion in all natural bodies*, as the name imports.

If it really did possess the power of obstructing the motions of all bodies in proportion to *the square of their velocity*, the air in which we breathe could no longer circulate round the earth; the rivers could no longer flow down their ordinary channels to the sea; and the sea itself would immediately become stagnant and quiescent. That circulation of nutritive matter which is constantly carried on in all animal and vegetable bodies, so long as they possess life, would immediately cease; and death would, in consequence, immediately ensue. The circulation of this earth, and of all the other planets round the sun would be immediately stopped; and even the rays of light proceeding from the sun, would be arrested in their course, long before they could reach the earth. Day and night could no longer continue to succeed each other,

and time would cease to run. And the earth would then be reduced into precisely the same dead and dark state, which, it is said in the Scriptures, it was in before the work of creation began.

Such must necessarily be the inevitable consequences, if this *celebrated principle* was, at this time, invested with the power which the inventor has ascribed to it.

It will however appear exceedingly evident, from the first chapter of our Inquiry into the Origin of *Government and Law*, that if this celebrated principle, who has assumed to himself this learned name of the *conservatio virium vivarum*, has at present any existence in nature, it must be one of those *principles of attraction* which the Creator has placed in all natural bodies, who we shall find in that Inquiry, are perpetually endeavouring to obstruct that circulation of matter which constitutes the universal law of nature; and it can in that case be no other than that supreme principle of attraction which he has placed in the body of the sun; and whom he has, as will appear in the subsequent chapter of our Inquiry, invested with supreme dominion over the whole of the natural world. But when we come to inquire into the law of

nature, we shall there find, that that arbitrary dominion which this supreme principle is perpetually endeavouring to exercise over all the inferior parts of nature, is restrained by that law; and that he will continue to be restrained by it, until the purposes for which the Almighty created this world are completely fulfilled. But when the time which God has ordained for the general consummation of all things shall come, we shall find from that part of our Inquiry that that law which he has established for the preservation of all his works, will then be repealed; and that this great principle will then become his instrument for the destruction of this material world, by drawing in all these other great bodies of matter of which it is composed into his own body.

OBSERVATIONS

On Mr. Malthus's Essay on Population.

IT is impossible to conceive, and it is certainly as impossible for Mr. Malthus himself to define, the meaning of his terms, *the Principle of Population*, and *the great Law of Necessity*. It has been already stated, in our observations on Mr. Leslie's Inquiry into the Nature of Heat, that these speculative philosophers, for the purpose of giving some plausible appearance to their vain and impious speculations, and thereby deceiving the rest of mankind, have invented certain names to which they have prefixed the term *principle*; such as Mr. Leslie's *celebrated principle of the conservatio virium vivarum*; the principles of *law*, the principles of *physic*, the principles of *trade*, the principles of *language*, &c. &c. &c. But although this term makes at present such a conspicuous part of our language, it will be found, upon due examination, that it is in most cases utterly undefinable. And it is, perhaps, on account of the multiplicity of these undefinable terms, which have been in-

vented and introduced into the English language by speculative writers, that these terms render it so very difficult for foreigners to acquire a knowledge of it. For it is perfectly obvious, that, when undefinable terms are commonly made use of in any language, it must necessarily render that language the more difficult to be understood. When a speculative man wishes to write or speak upon any subject that he does not understand, he has only now to invent a parcel of names, and prefix the term *principle* to them; and this term makes his speculative undefinable nonsense pass as current coin.

That indiscriminate use of the term *principle*, which at present so universally prevails in the English language, will be found, upon proper inquiry, to be of no very long standing, and that it has been chiefly introduced into it during the last, and the short period of the present century. The term *principle of attraction* as defined by Sir Isaac Newton, who it is supposed was the first person who made use of that term, is now, and was by him, understood to denominate the cause of that general or elective attraction of particles of matter towards each other, whether they be fluid or solid, which is found to prevail throughout the

whole of this material world. And this cause being altogether invisible to the senses of mankind, this justly celebrated inquirer into the works of creation, seeing from the effects which these principles of attraction produced throughout the whole of this material world, and that the power with which they were invested is universally proportionable to the bulk of the body in which they are placed, and seeing that the influence of that great principle of attraction which is placed in the sun, extends over the whole of the natural world, he very naturally and justly concluded, that these principles of attraction must necessarily be some order of intelligent spiritual beings whom the Creator had invested with these extraordinary degrees of power.

In the beginning of the proposed Inquiry into the *Origin of Government and Law* it will be shown, that besides these principles of attraction, there is another order of spiritual agents or principles directly opposite in their nature and disposition, and immensely more powerful than these principles of attraction, which the Creator employed at the beginning, as well as the principles of attraction, and which he still continues to employ as his instruments for the execution,

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of his will in the formation and preservation of all material bodies ; and that these two orders of principles are the immediate causes of all the phænomena which we behold in the natural world. It will also be shown, that the Creator has placed a moral principle or soul in the body of man, and that he has invested this moral principle with dominion over that principle of attraction or natural mind, which he has also placed in his body, and that this moral principle is the immediate cause of all his moral actions ; and that, being invested with this dominion over the desires of the natural mind, and endowed with perfect freedom, this moral principle becomes thereby accountable to God, for all the actions of the body.

The author of these observations has much reason to believe that these three orders of spiritual beings or principles are the only true principles that can be found, and that they alone are the immediate cause of all the phænomena which occur both in the natural and moral world. He has also reason to believe, that the term principle where it is not employed to denominate one or other of these three orders of spiritual beings, will be found, upon examination, to be mere indefinite terms. If this shall appear

to be the case, he submits it to the consideration of those who will give themselves the trouble of making the inquiry, if the use of this term, except where it is employed to denominate one or other of these real *principles*, ought not to be banished, not only from our own, but from every other language; because where such indefinite terms are made use of in the composition of any language, it must necessarily obstruct the communication of the knowledge of *truth* from the mind of one man to that of another, which is the only natural, proper, and lawful use of language.

From the manner in which Mr. Malthus speaks of his *principle of population*, it is exceedingly evident, that he believes, or at least wishes to make other people believe, that this principle, this imaginary being, is the cause of the increase of mankind upon the earth. But every true Christian knows that this increase of mankind can proceed from no other cause than the will of God himself, the Supreme Governor of the world. This being unquestionably true, it is obvious, that this pretended *principle of population* is nothing else but a mere name which these speculative philosophers have invented, for the purpose of deceiving the rest of mankind; and

by that means to enable themselves to lead them into the paths of error.

It will be exceedingly obvious to any person who attentively reads this *Essay on Population*, that the author of it does not believe in the existence of God as the Supreme Governor of the world: and that these speculative systems of philosophy which he and others have lately obtruded upon the world, are evidently formed upon the heathen theology. For as in that theology, every part of nature, every art and science, and every appetite and passion, had its own imaginary deity to preside over it, and as these imaginary deities were supposed to be invested with power to confer blessings and inflict punishments upon mankind, these speculative philosophers endeavour now to make us believe, that every part of nature, and every art and science, has its own presiding principle; and that these imaginary principles have power to enact laws for the regulation of the different parts both of the natural and moral world.

As the *principle of population* and the *principle of necessity* seem to be the greatest divinities in Mr. Malthus's new system of theology, and as he sometimes speaks of his *principle of necessity* as a female divinity, we are led to sup-

pose that these are only different names which he has invented for the *Jupiter* and *Juno* of the ancients. For like the stories which we have been told of these two imaginary divinities, he tells us, that his *principle of population* and his *principle of necessity* are perpetually opposing each other's will. His great divinity, the *principle of population*, he tells us, is perpetually endeavouring to bring mankind into existence upon this earth, faster than the *nourishment that is prepared for their subsistence*; and that his *principle of necessity* is as constantly employed in driving away this overstock of inhabitants from the face of the earth, by famine, contagious diseases, and pestilence, and by all the other plagues which are said to be contained in *Pandora's box*. These, it seems, are all of them some inferior order of *principles*, or divinities, which the *principle of necessity* employs as his agents for inflicting these plagues upon mankind.

Mr. Malthus, like Mr. Leslie, sets out with a preconceived speculative opinion; and having, like *Condorcet*, *Godwin*, and the rest of these enlightened *philanthropists*, assumed it as an unquestionable truth, that the *principle of population* is the great cause of all that *vice and misery*, and of that *unequal distribution of the*

bounties of nature which at present prevails in the world, he employs two large volumes for the sole purpose of persuading mankind to abstain from marriage in the early part of life, lest they should increase and multiply faster than the means of subsistence. He tells us expressly, that if we do not disobey that commandment which the Creator gave to man at the very beginning, for the purpose of fulfilling his will in the gradual production of mankind upon the earth, by that plan of generation which his wisdom had devised, and, contrary to the divine appointment, abstain from marriage in the early part of life, we shall unquestionably, like *Milton's Sin*, be perpetually tormented by our own offspring, and die *miserably of famine and contagious diseases*.

It will appear very evident from the following observations, that this *Essay on Population*, is, like Mr. Leslie's *Inquiry into the Nature of Heat*, a complete mixture of truth, falsehood, and speculative opinions; and that, not being itself the language of *truth*, it is evidently impossible that it can convey any knowledge of truth to the mind of any other man.

This learned author, although he does not, like the French philosophers, venture expressly

to deny the existence of God as the Supreme Governor of the world, he has done it in fact in the very commencement of his book, where he says,

“ In an inquiry concerning the improvement
“ of society, the mode of conducting the subject
“ which naturally presents itself, is,

“ 1st, To investigate the causes that have
“ hitherto impeded the progress of mankind to-
“ wards happiness; and

“ 2d, To examine the probability of the total
“ or partial removal of these causes in future.

“ To enter fully into this question, and to
“ enumerate all the causes that have hitherto in-
“ fluenced human improvement, would be much
“ beyond the power of an individual. The
“ principal object of this essay is to examine
“ the effects of one great cause intimately united
“ with the nature of man, which, though it has
“ been constantly and powerfully operating since
“ the commencement of society, has been little
“ noticed by the writers who have treated this
“ subject. The facts which establish this cause
“ have, indeed, been repeatedly stated and ac-
“ knowledged; but its natural and necessary
“ effects have been almost totally overlooked;
“ though probably among these effects may be

“reckoned a very considerable portion of that
 “vice and misery, and of that unequal distribu-
 “tion of the bounties of nature, which it has
 “been the unceasing object of the enlightened
 “philanthropist in all ages to correct.

“The cause to which I allude is, the constant
 “tendency in all animated life *to increase beyond*
 “*the nourishment prepared for it.*”

Is not the assertion contained in this last sentence a clear and unequivocal proof, that the author of this essay does not believe in the existence of God as the supreme governor of the world? As he positively asserts that this *tendency in all animated life to increase beyond the nourishment prepared for it*, is the great cause which has hitherto impeded the progress of mankind towards happiness, and the chief cause of that *vice and misery* which has hitherto prevailed in the world, and of *that unequal distribution of the bounties of nature*, which he it seems, like Tom Paine and the French philosophers, considers to be one of the great impediments to *human happiness*; does not he here plainly and directly accuse the Almighty of being the author of evil? Is it not altogether impossible that any man can utter such sentiments, and at the same time believe in the Scriptures, as the word of God:

Every man who believeth in the Scriptures as the word of God, must believe, that "In the beginning God created the heavens and the earth." That *He is the fountain of all that life and happiness which his creatures enjoy.* That *The eyes of all wait upon him, and he giveth them their meat in due season.* That *He openeth his hand, and satisfieth the desire of every living thing.* He must believe, that the smallest of his creatures are the objects of his care, as well as the greatest. That *a sparrow falleth not to the ground without his knowledge, and that the very hairs of our heads are all numbered.* That *he clotheth even the grass of the field, and arrayeth the lilies with more beauty and splendour than ever Solomon was in all his glory.*

Having assumed this impious and atheistical assertion, *that the Almighty brings more beings into the world than he prepares nourishment for,* as an unquestionable truth, he next attempts to prove that it is so, and to ascertain the different ratios of the increase of population and food. And upon this pretended proof he makes another assertion which he also affirms, is *an incontrovertible fact, viz, that population increases in a duplicate or geometrical ratio, and that the*

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means of subsistence increases only in a simple or arithmetical ratio.

Does not he in this assertion, arrogantly and impiously presume to limit the power of the Most High? Is it not saying expressly, hitherto canst thou go, but no farther? Is it possible to conceive that any man who believed the Scriptures to be dictated by the Spirit of God, and, of consequence, a record of unquestionable truth, could ever entertain such an impious sentiment? Are we not told in the Scriptures, that when God created man upon the earth, he said unto them, "Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in which is the fruit of a tree yielding seed: to you it shall be for meat. And to every beast of the earth, and to every fowl of the air, and to every thing that creepeth upon the earth, wherein there is life, I have given every green herb for meat?" After the wickedness of mankind had provoked the Almighty to destroy them, together with the original construction of the earth, "God blessed Noah and his sons, and said unto them, Be fruitful, and multiply, and replenish the earth. And the fear of you, and the dread of you, shall be upon every

"beast of the earth, and upon every fowl of the
 "air, upon all that moveth upon the earth, and
 "upon all the fishes of the sea; into your hand
 "are they delivered. Every moving thing that
 "liveth shall be meat for you; even as the
 "green herb have I given you all things."

We are told in the Scriptures, that when the
 Almighty, in fulfilment of his promise to their
 fathers, to Abraham, to Isaac, and to Jacob, de-
 livered his chosen people, the children of Israel,
 from the Egyptian bondage, and after he had
 conducted them in safety through the midst of
 the Red Sea, he fed them for the space of forty
 years in the wilderness *with bread from heaven,*
 and gave them *water out of the flinty rocks.*
 When the Almighty was graciously pleased to
 enter into a covenant with his people, he made
 a promise unto them, saying, "If ye walk in
 "my statutes, and keep my commandments,
 "and do them; then I will give you rain in due
 "season, and the land shall yield her increase,
 "and the trees of the field shall yield their fruit.
 "And your threshing shall reach unto the vin-
 "tage, and the vintage shall reach unto the
 "sowing time, and ye shall eat your bread to
 "the full, and dwell in your land safely. I will
 "have respect unto you, and make you fruitful,

“and multiply you, and establish my covenant
 “with you. And ye shall eat old store, and
 “bring forth the old because of the new.”
 Lev. xxvi. 3, &c.

When the same Almighty Being, for the purpose of exercising the faith and obedience of his people, established the seventh year as a year of rest unto the land, he said, “But in the seventh
 “year shall be a Sabbath of rest unto the land,
 “a Sabbath for the Lord: thou shalt neither
 “sow thy field, nor prune thy vineyard. And
 “if ye shall say, What shall we eat the seventh
 “year? Behold, we shall not sow, nor gather
 “in our increase: then I will command my
 “blessing upon you in the sixth year, and it
 “shall bring forth fruit for three years. And
 “ye shall sow the eighth year, and eat yet of
 “old fruit until the ninth year; until her fruits
 “come in ye shall eat of the old store.” Lev.
 xxv. 4. 20, 21, 22.

Moses, before his death, was commanded to make a new covenant with Israel in the land of Moab, to put them in mind of all the mighty works which the Lord had wrought for their deliverance, in Egypt, at the Red Sea, and in the wilderness; and to say unto them,
 “And I have led you forty years in the
 “wilderness: your clothes are not waxen old

“upon you, and thy shoe is not waxen old
 “upon thy foot. Ye have not eaten bread,
 “neither have you drunk wine, or strong
 “drink: that ye might know that I am the
 “Lord your God.”

These are the words of God himself. And what he then said to the children of Israel, he now says to all mankind: *That he will command his blessing upon all those who fear him, and keep his commandments.*

All those who believe the word of God must feel sensibly the vanity, absurdity, and impiety of this pretended philosopher, in this assertion which he makes respecting the increase of population and of food: and that he thereby endeavours to make God himself a liar.

The pretended proofs which he brings forward in support of his assertion, that the increase of mankind upon the earth proceeds in a duplicate ratio, is well calculated to deceive superficial thinkers; because it carries some semblance of truth; being taken from the reports and calculations of various authors. But his pretended ratio of the increase of food, is merely a creature of his own disordered imagination; and it has not even the shadow of truth. If men would exercise that reason, and those fa-

culties which God has bestowed upon them, they need only to consult the general history of the world, or of this kingdom alone, to discover clearly that his pretended ratio of the increase of mankind is altogether unfounded in truth: and that the increase of the population of these kingdoms, for many centuries past, has been nothing like the ratio which he states. In that part of the continent of America, which was formerly under the British dominion, the population has certainly increased with amazing rapidity; and probably fully equal to his ratio. But it must be observed, that it appears to be the intention of the Almighty to people that great continent with a new race of men: and the population increases in that proportion which his supreme wisdom sees to be most proper. The history of mankind also affords sufficient proof, that the Almighty has at all times provided abundant subsistence for all his creatures: and that this author's assertion, *that mankind increases upon the earth beyond the nourishment prepared for them*, is an impious falsehood.

This pretended philosopher conceiving, however, like Mr. Leslie, that he had established his own preconceived opinion by these manifest

perversions of the truth, he proceeds upon this false data which he has assumed to himself, to calculate the increase of mankind, and of food, to the end of the present century, Confining his calculation to this island, he says, "And at the conclusion of the first century, the population would be one hundred and seventy six millions, and the means of subsistence only equal to the support of fifty-five millions; leaving a population of a hundred and twenty one millions totally unprovided for." He says, "Taking the whole earth instead of this island, in two centuries the population would be to the means of subsistence as 256 to 9; and in three centuries, as 4096 to 13. In this supposition no limits whatever are placed to the produce of the earth. It may increase forever in any assignable quantity; yet still the power of population being in every period so much superior, the increase of the human species can only be kept down to the level of the means of subsistence by the constant operation of *the strong law of necessity*, acting as a check upon the greater power." (See pages 13, 14.)

The absurdity of this statement is so exceedingly glaring, that he himself seems to be sen-

sible of it, and has found it necessary to assign some cause why this wonderful increase of mankind, and this dreadful want of the means of subsistence, with which he now wishes to alarm the inhabitants of this kingdom, in order to induce them to adopt his scheme *for the perfectability of man*, did not occur in Britain many centuries ago. The causes which he assigns, like Mr. Leslie's experiments, are a direct contradiction of his own speculative opinion; and contain the most direct proof that his assertion respecting the increase of population, is absolutely false. These reasons which he gives why the population of the earth has not hitherto proceeded in the ratio which he has stated, affords also incontrovertible evidence of the power, wisdom, and goodness of God, in keeping the population of the earth, and the means of subsistence, at all times, in an exact equality to each other.

In the passage before quoted, we still perceive the atheistical sentiments of this learned author. He calls the over-ruling providence of God, *the strong law of necessity*; and this law of necessity, he says, *acts as a check upon the greater power*. This *greater power* he afterwards terms, *the principle of population*.

In the beginning of the second chapter, this learned author states the different checks which his *principle of necessity* is continually opposing to the power of the *principle of population*, which, he says, have been constantly operating since the very commencement of society in every quarter of the globe, and which have *hitherto* kept it down to the level of the means of subsistence.

He says, "These checks to population, which are constantly operating with more or less force in every society, and keep down the number to the level of the means of subsistence, may be classed under two general heads, the preventative and the positive checks.

"The preventative check," he says, "consists in the abstinence from marriage in the early part of life, from the fear of suffering want and misery in the more advanced period of it."

This abstinence from marriage being his great cardinal virtue, and the most indispensable moral duty incumbent upon man; he dignifies it with the title of *moral restraint*. He then goes on, and says,

"The positive checks to population are extremely various, and include every cause, whether arising from vice or misery, which

“ in any degree contributes to shorten the natural duration of human life. Under this head therefore may be enumerated all unwholesome occupations, severe labour, and exposure to the seasons, extreme poverty, bad nursing of children, great towns, excesses of all kinds, the whole train of common diseases and epidemics, wars, plague, and famine.”

This learned author in these passages last quoted, has, like Mr. Leslie, uttered the truth, without perceiving that this truth is a flat contradiction of that speculative opinion which he uttered in the beginning of the first chapter of his book before quoted. For in that chapter he states it as a positive unquestionable fact, *that the increase of mankind upon the earth goes on in a duplicate ratio, and that the means of subsistence increases only in a simple or arithmetical ratio.* But in the second chapter, and in the passages last quoted, he says as positively, that what he terms *the checks to population, have hitherto, and in every kingdom of the earth, kept down the population to the level of the means of subsistence.* Or, in other words, *that the increase of mankind upon the earth, and the nourishment prepared for them, have been always equal to one another.*

He then proceeds to state the manner in which these checks have hitherto operated to oppose the principle of population in every kingdom of the earth. And this statement occupies the whole of his first volume, except the two first chapters.

But are not all these things which this learned gentleman terms *positive checks to the principle of population*, the works of a supreme and all-wise Providence? Were not all those evils which mankind now suffer, introduced into the world by their transgression of the law of God? Was it not for this cause that man was doomed to suffer pain, sickness, and death? "Dust thou art, and unto dust shalt thou return."

Was it not for the transgression of man that the earth was *accursed*, and that man was doomed to earn his bread *with the sweat of his brow*? Was it not on account of the extreme wickedness of mankind, in the days of Noah, that the original conformation of the earth was destroyed, and hail, rain, snow, tempestuous winds, thunder, lightning, and earthquakes, were thereby introduced into the world?

But it has been already observed, that the existence of God as the supreme governor of the world, makes no part of this learned gentleman's

philosophy. He is, it is true, perpetually repeating the term *laws of nature*, but he never mentions the God of nature, as the Being by whose supreme power and wisdom these laws were established. It will however be found in the course of the proposed Inquiry into the Origin of Government and Law, that there is but one law for the regulation of the government, both of the natural and moral world, and that this one law is the *supreme will of God*.

It is the declared will of God, that mankind shall *increase and multiply upon the earth*, and that for this very purpose he created them *male and female*. For this purpose he instituted that solemn and indissoluble union of man and woman, which we call marriage, and said, "Therefore shall a man leave his father and his mother, and cleave unto his wife, and they shall be one flesh." But the great, I may say the sole object of Mr. Malthus's book, is to make mankind believe, that if they continue to obey this revealed will of God, they will bring certain misery upon themselves, and transgress *the great laws of nature*. This is certainly a clear proof that this learned author does not believe in the existence of that supreme Being by whom

all things were made, and that he is the author of *Nature's Law*.

The professed object of the first chapter of his fourth book, is to persuade mankind to abstain from marriage in the early part of life, in direct opposition to the revealed will of God.

This abstinence from marriage, he says, is a moral duty incumbent upon all men, for the general benefit of society, and the only means of preventing that vice and misery which have hitherto prevailed in the world. He here terms this voluntary abstinence from marriage, *Moral restraint*.

In the beginning of the chapter before alluded to, which is entitled, *Of moral restraint, and our obligation to practise this virtue*, he says,

“As it appears, that in the actual state of
 “every society which has come under our re-
 “view, the natural progress of population has
 “been constantly and powerfully checked; and
 “as it seems evident, that no improved form of
 “government, no plans of emigration, and no
 “benevolent institutions, no degree or direction
 “of national industry, can prevent the continual
 “action of a great check to population in some
 “form or other; it follows that we must submit
 “to it as an inevitable *law of nature*; and

" the only inquiry that remains is, how it may
 " take place with the least possible prejudice to
 " the virtue and happiness of human society.
 " All the immediate checks to population which
 " have been observed to prevail in the same
 " and different countries, seem to be resolvable
 " into moral restraint, vice, and misery; and if
 " our choice be confined to these three, we can-
 " not long hesitate in our decision, respecting
 " which it would be most eligible to encourage."
 " In the first edition of this essay, I observed,
 " that as from the *laws of nature* it appeared,
 " that some check to population must exist, it
 " was better that this check should arise from
 " a foresight of the difficulties attending a
 " family, and the fear of dependant poverty,
 " than from the actual presence of want and
 " sickness. This idea will admit of being pur-
 " sued further, and I am inclined to think, that,
 " from the prevailing opinion respecting popu-
 " lation, which undoubtedly originated in bar-
 " barous ages, and has been continued and cir-
 " culated by that part of every community
 " which may be supposed to be interested in
 " their support, we have been prevented from
 " attending to the clear dictates of reason and
 " nature on this subject.

" Natural and moral evil seem to be the in-
 " struments employed by the Deity in admo-
 " nishing us to avoid any mode of conduct
 " which is not suited to our being, and will
 " consequently injure our happiness. If we be-
 " intemperate in eating and drinking, we are
 " disordered; if we indulge the transports of
 " anger, we seldom fail to commit acts of which
 " we afterwards repent; if we multiply too fast,
 " we die miserably of poverty and contagious
 " diseases. The *laws of nature*, in all these
 " cases are similar and uniform. They indicate
 " to us, that we have followed these impulses
 " too far, so as to trench upon some other law
 " which equally demands attention. The un-
 " easiness we feel from repletion, the injuries
 " we inflict on ourselves or others in anger,
 " and the inconveniencies we suffer on the ap-
 " proach of poverty, are all admonitions to us
 " to regulate these impulses better; and if
 " we had not this admonition, we justly incur
 " the penalty of our disobedience, and our suf-
 " ferings operate as a warning to others."

This speech, and particularly the last part of
 it, consists precisely of the same mixture of
 truth and falsehood, as that which the author
 of all evil, and the original inventor of this false

construction of language, made use of to deceive our mother Eve, in order that he might thereby seduce her to disobey the commandment of God. Knowing the general belief of mankind respecting the existence of God as the Supreme Governor of the world, they both of them make use of his name to inforce their reasoning, for the purpose of overturning his government; in order that they themselves may be thereby enabled to prescribe laws to mankind for the regulation of their conduct.

The devil, when he made his assault upon Eve, first put an insidious question to her, saying, "Yea, hath God said, ye shall not eat of every tree of the garden?" Having by this means drawn from her a relation of the situation in which they were placed, and a knowledge of the commandment which God had required them to observe, as the simple test of their faith and obedience; he then assails her with a positive lie, and said, in direct contradiction to the express declaration of God, "Ye shall not surely die." To this manifest lie, he subjoins a species of truth, and calls God himself to witness that it is true. He said, "For God doth know, that in the day ye eat thereof, then your eyes shall be opened; and

“ye shall be as gods, knowing good and evil.”

Mr. Malthus openly declares, that the sole object of all the reasoning which he makes use of in this chapter, is, to convince us, that it is a duty incumbent upon us to *abstain from marriage in the early part of life*; and this, we know, is like the lie which the devil uttered to Eve, expressly contrary to the revealed will of God. In support of this manifest lie, he then utters some plausible truths; and, like the devil, he calls upon God to witness that they are so. He says, *If we be intemperate in eating and drinking, we are disordered; if we indulge the transports of anger, we seldom fail to commit acts of which we afterwards repent.* These, we know, are unquestionable truths; but we know also, that the unrestrained indulgence of the insatiable appetites and unruly passions of our natural minds, is expressly forbidden in the law of God. When we, by the unrestrained indulgence of these carnal appetites and unruly passions, are led to transgress the righteous law of God, he then makes our own backslidings to correct us, by leaving us for a time to reap the bitter fruits of our own doings, for the purpose of leading us back unto the paths of righteousness, by the experimental knowledge of those evils which

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invariably spring from every transgression of of his commandments; for the purpose of convincing us, that his ways only are the ways of pleasantness, and that we can only enjoy those blessings which he is pleased to bestow upon us, by using them in that way which he himself has prescribed. But to these well known truths he subjoins, *If we multiply too fast, we die miserably of poverty and contagious diseases.* This, we know, is, like the assertion which the devil made to Eve, a daring and impious falsehood. For we know, that the multiplication of children is one of the chief temporal blessings which the Almighty has promised to bestow upon mankind, in those covenants which he has been graciously pleased to make with them. He promised this blessing to Abraham in the covenant he made with him in Bethel, saying, "I will make thy seed as the dust of the earth: so that if a man can number the dust of the earth, then shall thy seed also be numbered." The same blessing is promised to Abraham's seed in the covenant which the Lord made with them in Horeb: in which he says, "I will have respect unto you, and make you fruitful, and multiply you, and establish my covenant with you." But it must be observed, that

this and all the other blessings contained in this covenant are only promised by the Almighty, upon the condition of perfect obedience to all his commandments. We are expressly commanded to train up our children in the knowledge and fear of God. If we obey this commandment, we thereby become entitled to the blessing of God upon our children. The number of our children will be thereby rendered a blessing, not only to ourselves, but also to the society in which they live. They will then become the support, the solace, and comfort of our old age; and we can then leave this world with the comfortable and happy reflection, that we have faithfully discharged our duty to the best of our ability; and that we leave a virtuous offspring behind us, to be our representatives upon the earth. But if we neglect this important duty, we thereby transgress the commandment of God, and this blessing is thereby converted into the most afflicting of all earthly curses. By living habitually in a state of rebellion against God, they naturally become rebellious against ourselves. By their disorderly conduct, they become a pest to the society in which they live, and cover us with shame and disgrace; and never fail, at last, to bring down our grey hairs with sorrow to the grave.

Mr. Malthus conceiving, like Mr. Leslie, that he had by this mixture of truth and falsehood blinded our eyes, and thereby established his own absurd speculative opinion respecting the evils which, he says, must necessarily ensue from the power of that imaginary being, *the principle of population*, if proper means are not timely used to check it; proceeds to enforce upon us the indispensable obligation we all lie under to practise that ridiculous virtue, which he terms *moral restraint*, or abstinence from marriage, as the only means by which that imaginary dreadful evil, which his own disordered mind has created, can be avoided.

The whole of the reasoning which this learned author makes use of in this chapter, to convince us of the obligation we lie under to practise this pretended virtue of *moral restraint*, consists of the same mixture of truth and falsehood, as the specimens which have been already given; and his system of morality is perfectly conformable to his system of theology. Of his morality I shall give two or three examples.

For the purpose of persuading us to practise this *pretended virtue of moral restraint*, and still insisting that the too great increase of inhabitants is the real cause of contagious diseases, he says,

" In the history of every epidemic, it has
 " almost invariably been observed, that the
 " lower classes of people, whose food was poor
 " and insufficient, and who lived crowded toge-
 " ther in small and dirty houses, were the prin-
 " cipal victims. In what other manner can na-
 " ture point out to us, that if we increase too
 " fast for the means of subsistence, so as to ren-
 " der it necessary for a considerable part of the
 " society to live in this miserable manner, we
 " have offended against one of *her laws*. This
 " law she has declared exactly in the same man-
 " ner as she declares, that intemperance in eat-
 " ing and drinking will be followed by ill
 " health, and that however grateful it may be to
 " us at the moment to indulge these passions
 " to excess, this indulgence will ultimately pro-
 " duce unhappiness. It is as much a law of
 " nature, that repletion is bad for the human
 " frame, as that eating and drinking, unattended
 " with this consequence, is good for it."

" An implicit obedience to the impulses of
 " our natural passions would lead us into the
 " wildest and most fatal extravagancies; and
 " yet we have the strongest reason for believing
 " that all these passions are so necessary for our

“ being, they could not be generally weakened
 “ or diminished, without injuring our happiness.

“ We are all conscious of the inestimable be-
 “ nefits that we derive from these desires, when
 “ directed in a certain manner; but we are
 “ equally conscious of the evils resulting from
 “ them, when not directed in this manner; so
 “ much so, that society has taken upon itself
 “ to punish most severely what it considers as
 “ an irregular gratification of them. And yet
 “ the desires in both cases are equally natural,
 “ and, abstractedly considered, equally virtuous.
 “ The act of the hungry man, who satisfies his
 “ appetite by taking a loaf from the shelf of
 “ another, is in no respect to be distinguished
 “ from the act of him who does the same thing
 “ with a loaf of his own, but by its conse-
 “ quences. From the consideration of these
 “ consequences, we feel the most perfect convic-
 “ tion, that if people were not prevented from
 “ gratifying their natural desires with the loaves
 “ in the possession of others, the number of
 “ loaves would universally diminish. This ex-
 “ perience is the foundation of the laws relating
 “ to property, and of the distinctions of virtue
 “ and vice, in the gratification of desires, other-
 “ wise perfectly the same.” Vol. II. p. 305,
 306, 307, and 308.

In this passage we have a very clear delineation of this gentleman's religious and moral sentiments. We see very clearly that he does not believe in the existence of that Almighty Being who is the Supreme Governor of the world, as the author of what he terms the *laws of nature*. We must therefore suppose that these laws have been established by some one or other of his imaginary *principles*; and as he speaks of the author of these laws as a *female divinity*, she can be no other than his *goddess Prudence*, the daughter of his great *goddess Necessity*. But as this gentleman has not favoured us with a complete system of his new theology, and of the geneology of his gods, and goddesses, we are left entirely to conjecture respecting their connection with each other. We find, however, from the very short description which he gives us of them, that they are like the heathen gods and goddesses, perpetually quarrelling and opposing each other's will.

It was before observed, that Mr. Malthus's *morality* is perfectly suited to his *system of divinity*. As his gods and goddesses, make no promises to mankind of a future state of existence, where they are to be rewarded for their obedience, and punished for their disobedience; his

system of morality is also confined to the present state of existence; and he makes the happiness of man to consist entirely in the gratification of their sensual appetites. He says, "The gratification of all our passions in its immediate effect is happiness, not misery; and in individual instances the remote consequences (at least in this life) come under the same denomination." (See Note, page 21, vol. 1.) This, I believe, is the only instance to be found in his book in which he takes notice of the probability of a future state of existence. And the manner in which he introduces it, shews clearly that he is either doubtful of the fact, or has made this allusion in compliance with the prevailing opinion and vulgar prejudices of mankind. As an example of those instances where the remote consequences of the sensual gratification of our passions, as well as the immediate effects, produce happiness, he subjoins, in the same note, "I have little doubt that there have been some irregular connections with women, which have added to the happiness of both parties, and have injured no one."

This is a plain declaration that this learned author holds the righteous law of God in derision. When God created man male and female,

he instituted marriage as the means by which his will, in the multiplication of mankind upon the earth, is to be fulfilled before the end of time: and he commanded them, saying, "Thou shalt not commit adultery." It will appear from our inquiry into the origin of moral government, that, by this union of the sexes as man and wife, God established that system of government, consisting of a free and willing subordination of inferiors to their superiors, which he then ordained to be the government of man upon earth; and which he has given us reason to believe will exist among righteous men to all eternity.

But even supposing the opinions of these atheistical philosophers to be well founded, and that *the Scriptures are merely a cunningly devised fable*, does the woman who is seduced into such an irregular connection with man, suffer no injury? Is she not thereby banished from the society of her friends, and from the society of all the virtuous part of her own sex, and brought under disgrace and contempt? Do her parents, her brothers, and sisters, and the whole of her near connections, suffer no injury from the grief and vexation which they must necessarily suffer, when they see their daughter, their sister,

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or their near relation, brought into such a state of disgrace? Do the children who spring from such an irregular connection, suffer no injury? are they not thereby excluded from inheriting the possession of their father, if he should die without making any provision for them? and are they not thereby subjected to the insults of the rest of mankind?

But this learned gentleman's system of morality, is, like his *laws of nature*, and the whole of his book, a complete system of contradictions. He tells us in the note last quoted, that the happiness of man consists *in the gratification of all his natural passions*. He tells us in the passage quoted before, page 306, that *we have the strongest reason for believing that all these passions are so necessary for our being, that they would not be generally weakened or diminished without injuring our happiness*. And yet, in the same passage he requires us to mortify and regulate these passions. He tells us, if we do not regulate and restrain them, we are guilty of a transgression against *the laws of nature*; and that the authors of these laws, will, in consequence, punish us for these crimes. He says, *If we be intemperate in eating and drinking, we shall be disordered; if we indulge the transports of anger,*

we shall seldom fail to commit acts of which we shall afterwards repent; and if we indulge that passion which prompts and impells us to propagate our species, and multiply too fast, we shall die miserably of poverty and contagious diseases.

He says, "After the desire of food, the most powerful and general of our desires is the passion between the sexes, taken in an enlarged sense. Of the happiness spread over human life by this passion, very few are unconscious. Virtuous love, exalted by friendship, seems to be that sort of mixture of sensual and intellectual enjoyment, particularly suited to the nature of man, and most powerfully calculated to awaken the sympathies of the soul, and produce the most exquisite gratifications." (See vol. I. pages 308 and 309.) Yet, notwithstanding of the true description which he here gives us of the happiness resulting from connubial love, which he paints in such glowing colours; notwithstanding that he told us in the passage before quoted, that *the chief happiness of man consists in the gratification of all his natural passions*; notwithstanding that he told us before, that *these natural passions are so necessary for our being, that they cannot be generally weakened or diminished without injuring*

our happiness; and notwithstanding that God himself does not only not forbid, but expressly commands us, to gratify our desires in the enjoyment of those exalted pleasures which spring from connubial love, because he saw *that it was not good for man to be alone*; yet the whole of the first chapter of his fourth book is employed in persuading us, that it is an indispensable duty incumbent upon us to restrain this most delightful of all our passions, and to abstain from marriage in the early part of life.

Every good man must have felt the exquisite enjoyment which springs from the god-like virtue of doing good; by relieving the wants, and contributing to the happiness, of the rest of our fellow-creatures; and yet this learned gentleman employs a whole chapter to convince us, that we are laid under an indispensable obligation to restrain these delightful sensations which spring from a consciousness of doing good; and to regulate our charity by the cold and frigid rules of his *goddess Prudence*.

These are only a few of the specimens which might have been given of his contradictory system of cold and spiritless morality. And they are, at the same time, striking examples of the false construction of his language, and of his gross perversion of the natural use of it.

But it is not enough to show, that his system of morality is contradictory, and altogether false ; we must also show, that it has a direct tendency to destroy the peace and good order of society.

It was before observed, that this learned author has taken great pains in the beginning of his book, to eradicate from the minds of men the fear of God, the belief of his existence as the Supreme Governor of the world, and the belief in a future state of existence, where they will be rewarded or punished conformable to their obedience or disobedience of his law. Supposing this pretended *enlightened philanthropist* to have fully accomplished his object, and to have eradicated the fear of God and of a future state of retribution from the minds of men, is it not obvious, that mankind in this state of unbelief in the existence of God, and of a future state of existence, would be more unwise and absurdly foolish than the beasts of the field, if they did not indulge themselves in the gratification of all the sensual appetites and passions of their natural minds, during the short period of their existence, without restraint ? Remove the fear of God, and the fear of a future state of retribution from the minds of men, and what is there to

restrain them from committing the most gross acts of injustice, fraud, and cruelty? Yes;—Mr. Malthus says,

Reason and the laws of society will restrain them. Reason teaches them, that it is unjust to rob, or steal any part of their neighbour's goods, or to do him any other kind of injury; and the laws of society will punish him if he commits any of these crimes. But we must remind him, that he has made them renounce the exercise of their own rational faculties in the very first instance, together with their belief in the existence of a Supreme Being, as the Supreme Governor of the world. And, consequently, having renounced the exercise of these rational faculties, it is obvious, that they are thereby reduced precisely to a level with the beasts of the field, whose reason teaches them, that it is their duty to gratify all their natural appetites and passions, and to employ force, when force is necessary for that purpose. But it is perhaps a part of Mr. Malthus's plan, after he has made mankind renounce the exercise of those rational faculties which the Creator has bestowed upon them, to return them back as a compliment, such a portion of reason as will exalt them a little higher than the beasts of the field, and enable

them to regulate their conduct like good members of society. His system of morality is not, however, much calculated to enforce the exercise of this virtue upon their minds. He says, in the passage before quoted, that *The act of the hungry man who satisfies his appetite by taking a loaf from the shelf of another, is in no respect to be distinguished from the act of him who does the same thing with a loaf of his own, but by its consequences.* He tells them in the sentence immediately preceding, that the desires of the man who satisfies his hunger with a loaf taken from his own shelf, and the man who does the same thing with a loaf which he takes from his neighbour's shelf, are both *equally natural, and, abstractly considered, equally virtuous.* The only crime which the man commits who takes the loaf from his neighbour's shelf, in place of his own, consists in the consequences which this practice would produce. He says, *If people were not prevented from gratifying their natural desires with the loaves in the possession of others, the number of loaves would universally diminish.* Knowing from experience, that this would be the natural consequence, this experience, he says, *Is the foundation of the laws relating to property, and of the distinctions of virtue and vice, in the*

gratification of desires, otherwise perfectly the same. Is not this another plain and unequivocal proof that this learned author holds the law of God in derision which says, "Thou shalt not steal?" and who has expressly declared, that all those that are guilty of this crime, who do not repent and make restitution, *shall in no wise enter into the kingdom of God.* Having thus destroyed the fear of God, as the Supreme Governor of the world in the minds of men, and thereby infused into them a belief, that these laws by which the inhabitants of these kingdoms are required to regulate their conduct, are the mere arbitrary will of those men who enacted them; he thereby strips these laws of all power over their minds. They are no longer the laws of reason, but of force, and it is by force only that they can be carried into execution. But where is this force to be found? That part of every society which is required to yield obedience to these laws is much more numerous, and consequently much more powerful, than those by whom they were enacted. Having eradicated the fear of God, and the dread of a future state of retribution from their minds; having told them that the principal cause of their misery, is *the unequal distribution of the bounties of nature*; having told

them, *that the whole of their happiness consists in the gratification of all their appetites and passions, and that these cannot be weakened or diminished without injuring their happiness*; having told them, *that it is equally as virtuous, to take a loaf from their neighbour's shelf, or any other part of his property, for the gratification of their desires, as to labour for a loaf of their own*; and having told them, *that the laws of society enacted by the legislature of these kingdoms, are expressly designed to restrain them from gratifying their natural desires, and consequently injure their happiness*: or as another learned and very celebrated author has told them, *that these laws were enacted to protect the property of the rich, from the assaults of the poor*. Must not all the lower orders of mankind, who labour for their bread and earn it with the sweat of their brow, who have been reduced by these atheistical doctrines, to this state of mental darkness respecting the true happiness of man, necessarily feel these laws relating to property, which prevents them from appropriating the possessions of the rich to the gratification of their natural appetites, in which their whole happiness consists, to be grievous and oppressive? And would not they, in this state of mental darkness, as naturally unite them-

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selves together under those democratic atheistical leaders, who had infused these wicked sentiments into their minds, as they did in France, for the purpose of abolishing these laws, and overturning the government which enacted them? and if they did so, where is the power upon earth that could oppose them? These laws being abolished, and the government overturned, would not these kingdoms be immediately filled with the same violence and cruelty that France was by the same means? Feeling all the horrors of this democratic reign, would not the more thinking part of the people be glad, like the people in France, to bow their necks, and receive the yoke of any individual absolute tyrant, who was able to protect their persons and property, from the rage of an infuriated mob?

I appeal to every thinking man, if these atheistical doctrines that Mr. Malthus has published in this book, which have been already quoted, have not a direct tendency to produce these dreadful effects?

The liberty of the press has, by the mercy of Providence, been preserved in these kingdoms; and it has become one of the chief instruments in his hand, for the protection of British liberty;

and for diffusing knowledge to all the rest of mankind. But neither the law of God, nor the laws of this kingdom, will permit any man to abuse this liberty of the press, and employ it to the injury of other men. We know that the benefit of these just and equitable laws, have been frequently extended to the inhabitants of foreign kingdoms. We have seen a person punished in this kingdom for publishing a libel against the first magistrate of a neighbouring kingdom, for the purpose of persuading his subjects to rise up in rebellion against him, and overturn his government, although the person against whom this libel was published, is universally acknowledged to be the most cruel and blood-thirsty tyrant presently existing upon the face of the earth.

Seeing that men are punishable for publishing a libel in this kingdom against a foreign tyrant, and for endeavouring to overturn his government; and seeing such impious publications as this is issuing from the press with impunity, it might be asked, Is there no law in this kingdom for punishing a man for publishing a libel against the Almighty himself, and for endeavouring to seduce all the rest of mankind to join with him, for the purpose of overturning his government? It

is, however, believed, that there is at present no law for the punishment of those who are guilty of this crime. And it is perhaps right that there is not; for the Almighty himself seems to be alone competent to punish those wicked men, who thus daringly contemn his supreme authority. But if it is improper to punish men for their disbelief in the existence of the Supreme Being, and for contemning his authority, is it not as improper, and exceedingly dangerous to the society, to permit such men to become public teachers of youth? Has not this imprudent indulgence a direct tendency to destroy the welfare and happiness of the rising generation?

The rest of this impious book would afford abundance of subjects for severe reprehension; but it would only be a repetition of these impious sentiments and contradictory language which have been already the subject of our animadversion. I shall therefore only add one or two other observations.

Mr. Malthus having set out in the beginning of his book, with an assertion, that the *principle of population* was the chief cause of that vice and misery, and of that *unequal distribution of the bounties of nature*, which at present prevails

in the world, he proposed, in the first edition of his book, to remove these evils, by persuading those who have the means of purchasing the labour of others, *to withhold that purchase*; for the purpose, it is supposed, of starving one half of the labouring part of mankind to death, in order to promote the happiness of those who survived, or else to deter them from marrying, and multiplying too fast. It would seem, however, that some of his friends, who possessed more common sense than himself, have shown him the extreme folly and danger of such an absurd experiment. They may, perhaps, have represented to him, that this part of mankind, whom he thus proposed to deprive of the means of subsistence, might not be altogether disposed to submit peaceably to such a privation; and since he has told them that it is *equally as virtuous to take the loaves necessary for the subsistence of themselves and their families, from another man's shelf, as from their own*; they might perhaps discover that, by taking the loaves from the shelf of those rich men, who had refused to purchase their labour, they could save themselves the fatigue and trouble of labouring for their bread. Be this as it may, he has in his third edition, left out this wild project altogether.

But he substitutes another which is equally as wild, irrationale, and impracticable. He says, "If we be really serious in what seems to be the object of general research, the mode of essentially and permanently bettering the condition of the poor, we must explain to them the true nature of their situation, and shew them that the withholding the supplies of labour, is the only possible way of raising its price, and that they themselves being the possessors of this commodity, have alone the power to do this." (Vol. 2, Pages 346 and 347.) In the first scheme those who have occasion to purchase the labour of others, are desired to withhold that purchase. This we can easily perceive would have the effect by diminishing the demand for labour, of diminishing its price also; and this diminution of the price of labour, he tells us in the first edition of his book, would deter the labouring part of the community from marrying and multiplying too fast. In this improved scheme, he recommends it to the labouring part of the community, to enter into a general combination, and withhold their labour from those who wish to purchase it, in order to raise its price, and until they shall agree to give them what ever price they may choose to demand. This last scheme,

however, is a direct contradiction to the professed object of his book, which is to persuade *men not to marry early, lest they should multiply beyond the means of subsistence prepared for them.*

For if the reduction of the price of labour by the first scheme was to have the effect of deterring men from marrying early, and increasing too fast, this general combination among the labourers, which is recommended in the second scheme, to increase the price of it, would certainly, when the purpose of it was accomplished, have a direct contrary effect; for having thus obtained an absolute power to regulate the price of labour, according to their own will and pleasure, they would be thereby naturally encouraged to marry early, and increase and multiply. This is another example of the contradictory opinions and language which this learned gentleman has made use of in the composition of this book.

In the next paragraph to that last quoted, and with which he concludes this chapter, entitled, *The only effectual mode of improving the condition of the poor*, he says, "I cannot but consider this mode of diminishing poverty, as so perfectly clear in theory, and so invariably confirmed by the analogy of every other com-

“modity that is brought to market, that nothing but its being shown to be calculated to produce greater evils than it proposes to remedy, can justify us in not making the attempt to put it in execution.” (See page 347.)

There are, however, a few trifling obstructions that would certainly occur in the execution of both these wild schemes for *improving the condition of the poor*, which this learned gentleman has either not foreseen, or deemed to be too trifling to merit his attention. If that part of the community who possess some portion of wealth, and who are, of consequence, the only persons that are enabled to purchase the labour of others, were to adopt his first scheme, and refuse to purchase that labour, it is perfectly obvious, that the cultivation of the ground, and all the manufactures of the country, must necessarily be suspended; and, we know from experience, if the earth is not cultivated, it will yield no produce for the food of man: and that, if the produce of the earth is not manufactured, and prepared for the use of man, we must necessarily want not only clothing, but all the other necessaries of life.

As all mankind do certainly subsist upon the produce of the earth, this wild scheme of with-

holding the purchase of labour, for the purpose of reducing its price, would obviously involve every individual class of men in this, and every other society, in distress and misery. The landed proprietor subsists upon that portion of the produce of his land, or, which is the same thing, the value of it in money, which he receives from his tenant. But if the tenant should be induced to adopt Mr. Malthus's advice, and refuse to purchase that labour which is necessary for the cultivation of his farm, he would be thereby disabled from paying to his landlord the stipulated rent. And, in consequence, the landlord would be thereby rendered unable to purchase any of these articles that are absolutely necessary for his own subsistence, and that of his family. But this is not all, for it is obvious, that if the farmer was to let his land lie uncultivated, by refusing to purchase the labour necessary for that purpose, he would not only be disabled from paying any rent to his landlord, but he would also thereby render himself unable to procure the means of subsistence for his own family. It may be said, indeed, that if the land should remain uncultivated, it would still produce food for cattle, and that both the landlord and tenant might subsist upon animal food, and

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that they could purchase other necessities of life with these cattle. It is certainly possible for both the landlord and tenant to subsist for a short period, but with little comfort to themselves, by this means. But what is to become of all the rest of mankind, and particularly of those who subsist entirely upon the wages which they obtain as the price of their labour, during this period of the cessation of it? As there could not, during this period, when the land lay uncultivated, be many *loaves upon any man's shelf*, the labouring part of mankind would be compelled to adopt *the virtuous practice*, not only of taking *what loaves they could find upon their neighbour's shelf*, but of going also into their neighbour's field, and taking away his cattle for their subsistence, until there were no more loaves or cattle to be found. The landlord and tenant, the great manufacturer and the merchant, would then be reduced to precisely the same level with the labouring part of mankind. Would not this be *liberty and equality* with a vengeance?

In the other scheme, which this learned author recommends *for improving the condition of the poor*, it will, perhaps, not be considered by these *enlightened philanthropists*, and the ad-

mirers of their speculative philosophy, as any valid objection to this scheme to say, That that general conspiracy amongst the lower orders of society, to abstain from labour, until those who have occasion to purchase it shall be obliged to come up to their price, is a direct transgression of the law of God, which says, "Thou shalt not covet any thing that is thy neighbour's." But it is not only a transgression of the law of God, but also of the statute law of these kingdoms, which expressly forbids any such conspiracy to raise the price of labour; and by which it is ordained, that all those who are guilty of this crime shall be severely punished. It is, therefore, evidently impossible for this *enlightened philanthropist* to carry his second scheme, *for improving the condition of the poor*, into execution, until he either persuade the legislature of these kingdoms to repeal these laws, or persuade the labouring part of mankind to take the government of the country into their own hands by force, and to live upon the *loaves and cattle* of the more wealthy part of mankind, until they have obliged them to comply with their terms, or reduced them to the same state of poverty with themselves. It is obvious that they could not subsist, during their secession from labour, by any

other means. And having obtained this power over the wealthy part of mankind; it is not natural to suppose that they would relinquish it, until they had obtained *that equal distribution of the bounties of nature*; which these enlightened philosophers tell them is so essentially necessary for accomplishing their scheme for the *perfectability of man*. It is, therefore, evident, that even this improved plan for *bettering the condition of the poor*, cannot be carried into execution without overturning that natural constitution of society which the Creator himself has established; and without abolishing not only these laws which he has promulgated, but those also which the legislature of this country have enacted for regulating the conduct of men towards one another. As this would be absolutely necessary for the accomplishment of either of his schemes, it would be ridiculous to put the question to any thinking man, if the attempt to carry these schemes into execution would not produce much greater real evils in society, than that imaginary evil which he proposes to remove by it.

But the *Lord reigneth*, and he will continue to reign over all the kingdoms of the earth, notwithstanding of all the attempts which these vain speculative philosophers have made, or may hereafter make, to overturn his government.

And, under his government, it is equally as impossible for the rich part of the community to form any general combination amongst themselves, to reduce the price of labour, as it is for the labouring part of the community to form any general combination to increase its price. Every attempt of this kind has always been very partial, and never produced any general effect. It is equally as impossible for the rich part of the community to subsist without purchasing the labour of those who live by their labour, as it is for them to subsist without receiving reasonable wages for their labour. The wages of labour have always been, and always will be, regulated by the demand for it, and by the price of the different necessaries of life. The more labour that is properly bestowed on the cultivation of the earth, the greater will be its increase; and the demand for labour will always increase in the same proportion.

This learned author seems to discover very little knowledge of the human heart, or of the different classes of men, in supposing that the labouring part of mankind are to be deterred from marrying in the early part of life, from the apprehension of their being unable to maintain a family; or, as he ridiculously and impiously

terms it, *moral restraint*. The Almighty himself requires them to increase and multiply in the manner which he has prescribed, that is, by marriage, in order that the purpose for which he created man upon the earth may be fulfilled. Knowing this to be the will of God, they obey these impulses which he has implanted in them without feeling any apprehension for the consequences. The providence of God is their portion. And, being blessed by him with health and strength to perform the labour required from them, they fear no evil. The wisdom and goodness of God is eminently displayed throughout all his works, and particularly in the faculties which he has bestowed upon all his creatures, and which are so perfectly fitted to the situation in which he has placed them. Those who have bestowed proper attention to the situation of the lowest order of mankind, must have observed, that the Almighty has in his goodness and mercy to them, exempted all the virtuous part of that class of men whom he has ordained to procure their subsistence by the labour of their hands, from the more severe labour of the mind. The virtuous labouring man rises from his bed perfectly refreshed with the comfortable and undisturbed

sleep which the goodness of God has bestowed upon him; and, after returning thanks to him for this blessing, he goes to his work, and performs his daily task with cheerfulness and alacrity. The labour of the day being over, he returns again to the bosom of his family, where he is received with all the ardour of love and affection. In the society of his wife, and his virtuous neighbours, and surrounded by his children, he spends his evenings, and enjoys more real happiness in his humble cottage, than even princes possess in their splendid palaces, surrounded with all their numerous attendants. Having again returned thanks to his Maker for the blessings which he enjoys, he retires to rest with a mind undisturbed with the cares of this world, and regardless of the evils which to-morrow may bring forth: knowing that he is under the protection of that Almighty Being who has been graciously pleased to promise, that he will not forsake those who put their trust in him.

Such is the happiness which the virtuous labouring man enjoys, and such are the blessings which heaven confers upon conjugal love and parental affection. Is it possible to conceive that any thing else but the malice of the devil himself,

could suggest a scheme to deprive him of it? and yet, under the false pretence of improving his condition, Mr. Malthus labours throughout the whole of his book, to deprive him of this exalted portion of happiness. He tells them, if they obey the will of God, and marry early in life, *they will die miserably of famine and contagious diseases.*

It may, I am confident, be affirmed as an unquestionable fact, that the produce of the labour of a healthy, industrious, labouring man, has always been found sufficient to maintain a family, however numerous that family may be, in those parts of the kingdom where poor-rates have not been established. A numerous family of children, in place of being a burden, is, by the blessing of Providence, converted into a real source of wealth. For it is a well known fact, that the children of this class of men can, at a very early age, earn their own bread; either by some kind of employment in the fields, or in some of these numerous manufactories which are now established in almost every part of the kingdom. As the children increase in strength, and obtain more wages for their labour than is necessary for their own support, this surplus part of the produce of their labour becomes, as I before ob-

served, a real source of wealth to their parents; and enables them to bring up the younger part of their family, who are unable to labour, with ease to themselves.

It has been justly observed by a celebrated divine* that *those restraints which vice imposes upon her votaries, in the gratification of their passions, are much more severe and intolerable than those which religion requires.* Mr. Malthus's system of morality furnishes a striking example of this truth. He tells us, as I before noticed, *that our happiness consists in the gratification of all our sensual appetites and passions; and that these passions cannot be generally weakened or diminished without injuring our happiness.* This has certainly a direct tendency to inflame all our natural appetites and passions, by making us believe that the full gratification of all our desires, is not only innocent and lawful, but absolutely necessary for our happiness; and that those restraints which religion imposes, are unnatural and unreasonable. But after he has thus endeavoured to inflame our desires, and when we are just grasping the cup to take large draughts of the pleasures which it is said to contain, he immediately dashes it from our lips, and tells us, that if we do not restrain these de-

* Dr. Blair.

sires within reasonable bounds, and at least as much so as religion requires, we shall be guilty of a transgression against *the laws of nature*. And that *nature* will certainly punish us for this transgression of *her laws*, with pain, sickness, famine, and even death, according to the nature of the crime which we have committed. Such is the impious and contradictory system of morality which this *enlightened philanthropist* proposes, in this publication, to establish among mankind.

But this publication seems to be a perfect example of the fable of *the mountain in labour*. For, after labouring like Condorcet, Godwin, Tom Paine, and the rest of these atheistical pretended philosophers, through two large volumes, for the purpose of destroying the fear of God in the minds of men, and for the purpose of destroying their hopes of a future state of happiness beyond the grave; and after telling them that the whole of their happiness consists in the gratification of their sensual appetites and passions during their present state of existence, he leaves them in the same state of uncertainty respecting their future prospects of obtaining even these sensual enjoyments, in which he found them. And at last concludes his book, with the

cold, comfortless, improbable, and irrational *hope* that mankind will hereafter be induced by the various arguments which he has employed in this publication, in opposition to the strongest impulses in their nature, and expressly contrary to the commands of God, *to abstain from marriage in the early part of life.*

Our Maker bids increase; who bids abstain,
But our destroyer, foe to God and man?

Mr. Malthus's scheme for *abolishing the poor laws*, however plausible it may appear to superficial readers, will be found, upon examination, to be as complete a composition of contradictions as the rest of his book; and as impracticable as his wild scheme for improving the condition of the poor. And it has only become deserving of notice, from its being adopted as the foundation of a bill now before parliament.

However good and laudable the intentions of the honourable gentleman who introduced this bill into parliament may have been, it will appear, from the evidence contained in the preceding observations, that he has chosen a blind guide. If this honourable gentleman shall choose to follow this blind guide, he may do so, and take the consequences. But ought the whole nation to follow his example?

Mr. Malthus having observed, that the lower orders of the people in Scotland were more intelligent, more sober and industrious, and more correct in their moral conduct, than the same class of people in England; and seeing that they are, with very few exceptions, all taught to read and write, he states this as the reason why the poor-laws have not been found necessary in that part of the united kingdom. Mr. Whitbread having adopted this idea from Mr. Malthus, he has now brought it forward as the foundation of his plan for improving the condition of the poor in England, and for the abolition of the poor-laws there; and he is, in consequence, now endeavouring to force a compulsory system of education upon the people of England, as a law. But neither of these gentlemen seem to look further than the outside of things, and they have clearly mistaken the effect for the cause. It is not from the mere circumstance of their having been taught to read and write, which has exalted the lower orders of the people in Scotland so much above the level of the same class of people in any other kingdom, but from that knowledge and fear of God which is early imprinted upon their minds, by their parents, their teachers, and their pa-

rochial pastors. The foundation of this system of moral instruction was laid in Scotland before the Reformation; and it became, indeed, the cause, in the hand of Providence, of the reformation of religion in that kingdom. For it must be observed, that the reformation of religion in Scotland, did not proceed from the will of an arbitrary monarch, for the purpose of gratifying his own unruly passions, but from the united efforts of a free and enlightened people, not only without the assistance, but contrary to the wishes of the sovereign who reigned there at the time.

Until a short period before the Reformation, the people in Scotland were in the same state of darkness, with respect to the knowledge and will of God, as the other nations in Europe who were then under the dominion of the Pope of Rome. The Pope and his ministers knowing, that the false system of religion which they taught could not bear an examination by the test of truth; and knowing that they could only maintain their arbitrary dominion over the minds of the people, by keeping them in ignorance, the word of God was strictly prohibited from being translated into the vulgar language of the country; and it is well known, that it

was considered by them as one of the greatest crimes which men could commit, to read the Scriptures in their own native language. But those preachers of the gospel whom the Almighty raised up at that time, and who were employed as his instruments for the accomplishment of that happy reformation of religion in Scotland, acted very differently: they inculcated it upon the minds of their hearers, as an indispensable duty, to read the Scriptures, and examine if the doctrines which they preached were true. This desire of reading the word of God, which had been so long hid from their eyes, became universal, and spread like a torrent over all the land: and that desire of freedom from the tyranny and oppression of the church of Rome, which this knowledge of the truth had infused into the minds of the people, became, very soon, altogether irresistible. The zeal of the lower orders of the people in this righteous cause was seconded and supported by their superiors; the first noblemen of the land deeming it honourable to be elected elders in the church, and to officiate in that character in the sacred ordinances of religion.

From this desire of reading the word of God, which was now become universal throughout

the land, parents become naturally desirous of transmitting this blessing to their children, by teaching them also to read this sacred volume of truth : and the establishment of schools for that purpose, became the natural consequence. Sometime thereafter, an act of parliament was obtained for the erection of schools in every parish in the kingdom. By this act the heritors of the different parishes, or a majority of them, are required to *provide a commodious house for a school*, and to *modify a salary for the school-master, not under 100 merks,* nor above 200 merks Scots*. The expence of erecting and maintaining these schools and the schoolmasters' salaries, is, by this act, ordained to be paid by the heritors and their tenants jointly. As these small salaries are evidently inadequate for the support of these public teachers and their families, they are authorised by the heritors to demand certain very moderate school-dues† for the different branches of education which they teach, from the parents of the children that are put under their care.

* L. 5 : 6 : 8 Sterling.

† Reading, 2s.—Reading and Writing, 2s. 6d.—Reading, Writing, and Arithmetic, 3s. and Latin, 5s. per quarter.

No person can be admitted as a teacher in any of these parochial schools until he has undergone an examination before the presbytery of the bounds, and is found by them to be duly qualified for the proper discharge of that important duty.

The different presbyteries in Scotland, are also invested with power to inquire into the qualifications and conduct of all the professors and teachers in the different colleges and schools within the kingdom, and to expel them from their office, if they shall find, upon such inquiry, that they are habitually guilty of immoral conduct, or have been guilty of uttering and publishing any sentiments tending to subvert the established religion and government of the country.

These parochial schools, are always placed near the church or clergyman's house, in order that he may with more ease to himself, be enabled to superintend the conduct of the teacher, and to examine from time to time into the progress which the children are making in religious knowledge under his care; and it is his duty also, to assist the teacher in conveying this religious knowledge to their minds.

But although public schools were established by the authority of government, in every parish

in Scotland, no person was compelled to send his children to these schools. They did not indeed require any compulsion. For having themselves found to their comfortable experience, that the word of God is the only true guide to happiness, both in this world and in that which is to come, they were anxious to transmit this blessing to their children, as the very best heritage which they could possibly bestow upon them.

Besides these public instructions which every minister in Scotland is bound to give to his parishioners every Sabbath-day, he is also bound by the institutions of that church, not only to visit, and endeavour to administer comfort to such of his parishioners as are in distress, but also to visit every family in his parish, at least once in the year; to examine into the progress which both the young and the old are making in religious knowledge; to instruct them in the knowledge of all those duties, which, as Christians, they are bound to perform towards God, and towards one another; in the knowledge of the duties which children are bound to perform towards their parents, and parents towards their children; masters towards their servants, and servants towards their masters; and in the know-

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ledge of the obligations which all men are laid under by the express command of God himself, to reverence and obey the lawful commands of their natural and lawful superiors ; and particularly to impress it upon the minds both of the old and the young, that they are expressly required by God himself, *to remember the Sabbath-day, and keep it holy.*

These are the duties which every minister of the gospel in Scotland is bound to perform, and which, there can be no doubt, every minister of the gospel ought to perform. And there can be as little doubt, that every minister of the gospel will be called to a strict account, whether he has or has not faithfully discharged these important duties when he appears before the judgment-seat of Christ at the last day.

It was from the proper discharge of these important duties, by the reformed preachers of the gospel after the Reformation, that the true knowledge of God, and of his will, was, in so short a time, so universally imprinted upon the minds of the lower orders of the people in Scotland. And it is, from this knowledge and fear of God, which have been thus imprinted upon their minds, and not from the mere circumstance of their having been taught to read and write, as

Mr. Malthus and Mr. Whitbread have erroneously supposed, that they have, in general, become so much exalted above the same class of men in any other part of the world. From this knowledge of the will of God, they became naturally disposed to yield a cheerful and ready obedience to all the reasonable and lawful commands of their natural and lawful superiors. But although this knowledge of the will of God, taught them to yield obedience where obedience is due, it taught them also to oppose every attempt that was made to deprive them of their natural freedom with firmness and resolution. This manly and independent character was strongly exhibited by the inhabitants of Scotland during the reigns of James the First, Charles the First and Second, and James the Second; when these unwise and ill-advised monarchs attempted to force a form of religion upon them, which their enlightened consciences would not permit them to adopt.

It may now be asked; is Mr. Whitbread's compulsory system of education, calculated to produce these important effects upon the minds of the lower orders of the people in England? Will the mere faculty of reading and writing

make them either better Christians, or better subjects?

It is an unquestionable truth, that every other kind of knowledge which men may acquire, if it is not accompanied with the knowledge and fear of God, is more frequently found to be employed to a bad, than to a good purpose, more frequently to derange and disturb the good order and peace of society, than to improve it. Of this truth, Mr. Malthus himself is a melancholy example.

That it is the duty of the legislature, to compel the landed proprietors throughout the kingdom, to establish a public school in every parish in England, as well as in Scotland; and to modify a reasonable salary to the masters of these schools, to enable them to teach the children of the poor at a very moderate school-wage, seems to be unquestionable. It seems also to be the duty of the legislature, to appoint proper persons to inquire into the character and qualifications of these teachers, before they are admitted to teach in these schools; and to superintend their conduct in the proper discharge of this important duty. It seems likewise to be the duty of the legislature to invest the magistrates of the bounds with power to inquire into any

complaint which may be made to them, respecting the conduct and behaviour of these public teachers, and to expel them from their office, if they shall be found to be habitually guilty of any immoral conduct, or of any thing tending to disturb the peace and good order of society. But it is not the duty of the legislature to compel parents to send their children to these schools. This would be depriving them of that natural freedom which the Creator has bestowed upon all mankind, and which no power on earth can lawfully take from them.

But although it is not the duty of the legislature to compel parents to educate their children, or to compel the inhabitants of this kingdom to worship God in any other way than that which their own conscience may dictate to them; it is unquestionably its duty to enforce the execution of these laws which have been enacted for the punishment of those members of the society who are habitually guilty of profaning the Sabbath-day, and for the punishment of those pretended ministers of religion, both in England, in Ireland, and in Scotland, who are negligent in the proper discharge of these important duties which are incumbent upon them, as ministers of the gospel of Christ.

The poor-laws have certainly become a most intolerable evil, not only to England, but to those parts of Scotland where they have been carried into execution, not so much from the oppressive burden which they have brought upon the country, as from that corruption of the moral sentiments in the minds of the lower orders of the people which these laws have occasioned, wherever they have been introduced.

These poor laws have certainly a direct tendency to eradicate from the minds of the lower orders of the people, a sense of these duties which they are bound to perform, as parents towards their children, and as children towards their parents. The father of a family now says, What occasion have I to refrain from gratifying myself in any indulgencies which the produce of my labour will enable me to purchase, for the sake of my wife and family? The parish is bound to provide for them. And it is well known, that the same language is repeated by children, when it becomes their duty to assist their aged parents. This, it will be seen from the proposed Inquiry into the Origin of Government and Law, is a direct subversion of the very foundation of the government of God. Wherever these laws have been introduced, they

have uniformly had the effect of destroying the natural sentiments of charity in the minds of those whose situation enables them to relieve the wants of their fellow-creatures, and also of destroying these sentiments of gratitude, which the lower orders of the people would otherwise naturally feel towards those from whom they receive assistance: for that which a man is compelled to give towards the relief of his indigent neighbours, cannot surely be called charity; and the poor being entitled to demand supply as a matter of right, cannot feel any sentiments of gratitude towards those from whom they receive it. It will, however, appear, from the proposed Inquiry, that these evils can only be removed by the perfect re-establishment of the government of God in this kingdom.

But as there are many men, both in England and in these parts of Scotland where the poor-laws have been enforced, who, from the want of due reflection, are induced to think that it would be impossible for the poor to subsist, if there was not some provision of this kind made for their support—it is of importance to shew in what way the providence of God has provided for the wants of the poor, in these parts of Scotland where the poor laws have not been enforced.

It has been already observed, that, by means of that system of religious instruction which was established in Scotland after the Reformation, the people were taught to consider their situation in this world to be merely a state of trial and probation, as candidates for that state of immortal felicity which is prepared for the righteous in the world to come. This knowledge of the will of God, and this assurance of immortal felicity, was directly calculated to make them contented and happy in that situation in which Providence had placed them; and to consider all those evils to which mankind are liable in this world, as the appointments of God, for the trial of their faith and obedience: and they suffered them, accordingly, with patience and resignation to the Divine Will. By this knowledge of the will of God, they learned the duties incumbent upon them as parents towards their children, and as children towards their parents, as well as all the other duties incumbent upon them as good members of society. They knew it to be the will of God, that man should labour, in some way or other, not only for the bread which is necessary for his own subsistence, but also for the subsistence of his family. Knowing this to be the will of God,

they performed the labour necessary for this purpose with cheerfulness and alacrity; and, by the blessing of God upon their virtuous industry, the wages of the labouring man have, in all those parts of Scotland where the poor-laws are not enforced, been found sufficient for the support of himself and his family, so long as they continue to enjoy health and strength to enable them to labour. When old age or sickness comes upon them, if they have no children, or if these children are not grown up, and thereby unable to assist their parents from the produce of their labour, the voluntary charity of the parishioners, which is collected at the church every Sabbath-day, and the private benevolence of their neighbours, are made, by the over-ruling providence of God, the means of their support; and this voluntary charity, in addition to the produce of their own labour, has always been found sufficient for the maintenance of the poor, in those parts of Scotland where the poor laws have not been enforced, in the most calamitous times.

These are the means which the providence of God employs for providing for the wants of the poor, in those parts of the kingdom where they have been suffered to remain under his go-

vernment. It is a well known fact, that in these parts of the kingdom, there have always been much fewer complaints of want and distress, than in those parts of it where the poor-laws have been inforced. And it will always be found, upon strict inquiry, that even these complaints which are heard in these parts of the country where the poor laws are not inforced, come almost entirely from the most idle and reprobate part of the community. It is also a well known fact, that in these parts of the country, it is only those children whose minds have been corrupted, and who have, in consequence, become idle and dissipated, or those whom the providence of God has rendered unable to contribute towards the support of their parents, that will permit them to receive, from the minister or elders, any part of these public contributions that are collected in the church for the support of the poor. Is there any man who is truly interested in the welfare and happiness of his country, that would wish to eradicate these virtuous, manly, and independent sentiments from the breasts of the lower orders of the community? And yet the poor-laws, both in England and in these parts of Scotland where they have been inforced, have uniformly

produced this effect. The common language of children in these parts of the country now is, *What occasion have we to deprive ourselves of any indulgencies, for the purpose of supporting our aged parents? the parish is bound to provide for them.* In these parts of the country, the doors of the clergyman's house are now perpetually beset with aged parents, who have been deserted by their children, and by the most idle, worthless, and dissipated part of the community, demanding supply as a matter of right.

Is it possible to conceive, that the resistance which the inhabitants of a great part of Scotland have hitherto made to the execution of the poor laws which were enacted there, as well as in England, to be any thing less than the work of God himself, for the purpose of enlightening the minds of the inhabitants of these parts of the country where they have been carried into execution, by the experimental knowledge of those evils which they have brought upon themselves, by impiously and arrogantly presuming to improve that system of government which he himself has established for the government of man?

OBSERVATIONS

*Upon that Speculative System of Common Law,
which is at present administered in these
Kingdoms, and upon these Iniquitous Practices
which have been introduced into all our Courts
of Justice.*

THE original cause of this false system of common law, and of these iniquitous practices which have been introduced into all our courts of justice, and the particular evils which have been thereby brought upon society, will form a very important branch of the proposed Inquiry into the Origin of Government and Law; and it was not the author's intention to enter upon this subject at present. But seeing that there is, at this time, a bill depending before the High Court of Parliament, for a new modification of the Supreme Court of Justice in Scotland, for the ostensible purpose of removing the evils arising from the present mode of procedure in that court—it seems to be an object of no small

magnitude at this time, to call the attention of these noble Lords who are to decide upon the merits, or demerits, of this bill, and of the kingdom in general, to the original cause of these evils; and to point out, in very general terms, the only means by which it is possible to remove them.

It is supposed, that there are few people in Britain who are not disposed to think, that the noble lord who introduced this bill into parliament, did it from the best and purest motives. But there is too much reason to suppose, that, like Mr. Whitbread, he has been induced to follow blind guides.

These men, like unskilful physicians, are attempting to remove the disease, without knowing, or inquiring into the cause of it; and, like unskilful gardeners, in place of pruning the redundant and useless branches, for the purpose of making those which remain, produce more and better fruit, they are attempting to increase the number of them.

In the proposed Inquiry into the Origin of Government and Law, it will be shown, that that system of government, which the Almighty established in England, in the reign of *Alfred the Great*, as described by Dr. Henry, in his his-

tory of Britain, was a perfect copy of that system of government which he established at the creation of the world, for the government of all his works: and that it was a perfect copy of that system of government which he afterwards re-established in Israel, when David was called to the throne of that kingdom. It will also be shown, that the law by which that government was regulated, was the same as that which the Almighty himself promulgated from the top of *Mount Sinai*; and by that intuitive knowledge of right and wrong, which is wrote upon the consciences of all men who believe in him, by the finger of God himself. Every arbiter to whose determination any question is referred, is bound to this very day, to regulate his decision by that internal sense of right and wrong, which the Creator has imprinted upon his mind, being obliged to declare in the judgment which he pronounces, that he had at the time when he pronounced that judgment, *God and a good conscience before his eyes*. This knowledge of right and wrong, is clearly the law which every jurymen at this day is bound to apply, in every case upon which he is called to give judgment, being expressly bound by the oath which he swears, to give his verdict *conformable to the impression*

that the evidence which has been examined in the cause, has made upon his own conscience. This intuitive knowledge of right and wrong is clearly the law by which the legislature of this kingdom requires every Justice of the Peace in Scotland to regulate his judgment in every case which may come before him, under what is termed the *small debt act*, being there expressly required to give judgment *conformable to equity and a good conscience.* This intuitive knowledge of right and wrong, is the law to which Moses alludes, when he says, "It is not in heaven that thou shouldst say, Who shall go ~~to~~ for us to heaven, and bring it unto us, ~~that~~ we may hear it and do it. Neither is it beyond the sea, that thou shouldst say, Who will go over the sea for us, and bring it unto us, that we may hear it and do it. But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it. Deut. xxx. 12, 13, 14.

It is unquestionable this intuitive knowledge of right and wrong, which our Saviour appeals to in that divine precept which he gave to mankind for the regulation of their conduct, in which he says, "Whatsoever ye would that men should do to you, do ye even so to them."

"this is the law and the prophets." Mat. vii. 12. The foundation of this law is revealed unto us in the *tenth commandment*, which says, "Thou shalt not covet any thing which is thy neighbour's." Every act of deceit, fraud, or injustice, of whatever kind it may be, and by whatever means it may have been accomplished, is clearly an *overt-act of covetousness*; and being an overt-act, it brings the person who is guilty of it, under bondage to the law, and the civil magistrate thereby acquires a power over him to punish him for his crimes, and to restrain his actions. This is unquestionably that system of *common law* which ought to be observed in every nation upon earth, and by which all mankind are certainly bound to regulate their conduct in their common transactions with one another. This intuitive knowledge of right and wrong, is the law which is wrote upon the heart of every righteous judge, by the finger of God himself; and by which he is undoubtedly bound to regulate his judgment in every question of right and wrong, which is brought before him. And for his obedience or disobedience to this rule, which the Almighty has given him for the regulation of his conduct, he will most certainly be called to account, when he ap-

pears before the judgment-seat of God, at the last day.

The general statute which the Almighty has given, by the hand of Moses, as the rule prescribed by him for the proper execution of that part of the law which is contained in the tenth commandment, and which every judge and magistrate who shall, in the course of his providence, be invested with power to execute the law, is unquestionably bound to observe, is as clear and comprehensive as the law itself. It is in these words :

“ For all manner of trespass, whether it be
 “ for ox, for ass, for sheep, for raiment, or for
 “ any manner of lost thing, which another chal-
 “ lengeth to be his, the cause of both parties
 “ shall come before the judges; and whom the
 “ judges shall condemn, he shall pay double unto
 “ his neighbour. *”

More particular instructions for the proper execution of this part of the law, will be found in the passages quoted below. †

* Exodus xxii. 9.

† Exodus xxii. 5, 6, 7, 8, 10, 11, 12, 13, 14, 15.
 Lev. xix. 11, 12, 13, 14, 15, 16, 17, 18. Chap. xxv. 14.
 Deut. xix. 14. chap. xxv. 13, 14, 15, 16.

The method of procedure to be observed in all the courts of justice, is also prescribed. The judges are forbid to judge upon any partial representation, or to condemn a man who is not present to make his defence. *The cause of both parties must be brought before them*; and after hearing their representations, they are ordained to enquire into the truth of them *at the mouth of witnesses*. But it is ordained, That "one witness shall not rise up against any man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established.*"

For the determination of all questions arising out of the tenth commandment, when no witnesses can be obtained to prove the facts, the following statute is given:

"If a man shall deliver unto his neighbour, an ass, or an ox, or a sheep, or any beast to keep, and it die, or be hurt, or driven away, no man seeing it: then shall an oath of the Lord be between them both, that he hath not put his hands to his neighbour's goods; and the owner of it shall accept thereof, and he shall not make it good.†"

* Deut. xix. 16.

† Deut. xix. 16.

All pleadings at the bar of the court, in favour of either of the parties, is expressly forbidden.

The statute says,

“Thou shalt not follow the multitude to do evil; neither shalt thou speak in a cause to decline after many, to wrest judgment.*”

It must appear exceedingly evident to all men, from the unquestionable truths which have now been stated, that that law, and that simple and rational mode of procedure which the Legislature has already ordained to be observed in all the small-debt courts in Scotland, is no other than a perfect transcript of that law and of that mode of procedure which the Almighty himself has ordained, for the purpose of regulating the conduct of mankind, in their common transactions with one another; with this difference only, that the Justices are not authorised to inflict that punishment which God himself has ordained to be inflicted upon those who transgress this law, viz. to make those wicked men, who have committed manifest acts of fraud or injustice, pay double the sum, or value of the thing which they had wickedly attempted to defraud their neighbour of. This, every man must acknowledge, is a reasonable

* Exodus xxiii. 2.

punishment. It is doing no more to the wicked man, than he had wickedly thought to have done unto his neighbour.

It is certainly a matter of the highest importance to the whole nation, that every member of our great national councils, before he give his vote either for or against the bill now depending in Parliament, for regulating the proceedings in the Court of Session in Scotland, should carefully and seriously consider if that procrastination of justice, and that enormous expence to which the inhabitants of England and Ireland, as well as Scotland, are at present subjected, before they can obtain justice, and those numerous appeals, which are now made from the judgments of the inferior courts to the House of Peers, the Supreme Court of Justice—is not entirely occasioned by the perversion of that law, and that simple and rational mode of procedure, which the Almighty has prescribed for the administration of justice, and of that simple and rational rule which they themselves have prescribed to the Justices, for regulating the proceedings *of the small debt courts in Scotland.*

It is certainly a question of the very highest importance to the whole nation, and more deserving of the attention of the legislature of these

kingdoms, than any other which can possibly be submitted to their consideration, to inquire, if there is at this time, or if there has been for many centuries past, any known common law by which the judges in the different courts of justice in England, and in Ireland, as well as those in Scotland, are bound to regulate their judgments, in any question between man and man, that comes before them, respecting their common transactions with one another. Lord Kaimes in the introduction to one of his books upon the common law of Scotland, says, in pretty positive terms, there is not. His words are, in substance, as follows: *It is easy for a man to say what the law ought to be, but it is impossible for any man to define, what the common law of this kingdom now is.*

It is easy for these noble Lords, who compose the great jury of the nation, in the High Court of Parliament, to satisfy themselves, whether this assertion made, by Lord Kaimes is, or is not founded in truth. It is only necessary for this purpose, that he should put the following question to himself: Do I understand the law by which I am required to regulate my verdict, in any appeal cause which comes before the house? If he shall find upon due consideration, that he

cannot answer this question in the affirmative, he will be naturally induced to agree with Lord Kaimes, that there is at present no clear law, by which he is enabled to regulate his judgment, in any of these causes which are brought before him. If this shall be found to be the situation in which these noble Lords who compose the great jury of the nation, are now placed; it cannot surely be supposed, that that inferior order of men who are now chosen to compose the ordinary juries in the inferior courts of justice in civil questions in England, can stand in a better situation than their lordships, with respect to their knowledge of the law.

It being observed, and complaints having perhaps been made, by people who conceived themselves to have been injured by it, that the judges in our ordinary courts of justice, were in the habit of imposing their own opinion upon the jury, as the law which they were bound to apply in the case before them, and of directing them to bring in a verdict conformable to that opinion. A right honourable gentleman, now dead, brought a bill into Parliament, which was carried through both Houses, and enacted into a law, declaring the jury in all civil, as well as criminal causes, *to be judges of the law as well as*

of the fact. But it having been unfortunately omitted in this act, to state the law by which these jury-men are there required to regulate their verdict, and to declare that they are bound to give judgment *according to equity and a good conscience*, without regarding the opinion of any other men ; it was easy to foresee, that this law which was then enacted, could produce no reformation in the administration of the common law, in these courts of justice. For being told by the judge and by the lawyers, who are permitted to plead at the bar of these courts, that they are not at liberty to regulate their judgment by that internal sense of right and wrong, which the Creator has imprinted upon the minds of men, for the purpose of enabling them to regulate their conduct conformable to his will, and by which these jurymen are expressly bound by their oath, to regulate their judgment, but by that imaginary and unintelligible law, which they pretended to explain to them, and of which the jury themselves have no sort of knowledge ; it is natural to suppose that they will, in general, be induced to adopt the opinion of the judge, and bring in a verdict conformable to that opinion. If we give any credit to the accounts which are daily circulated

through the country in the newspapers, of the proceedings that are carried on in the different courts of justice in England, we have certainly good cause to believe, that the juries by whom all civil questions there are determined, are at this very day as much under thraldom to the opinion of the judges as they were before Mr. Fox's bill was enacted into a law; notwithstanding that this law was expressly enacted for the purpose of emancipating these juries from that thraldom. And if we were permitted to believe the accounts which are daily circulated in the newspapers, of the judicial proceedings in the high court of parliament, we should be led to believe that these noble lords who compose the great jury of the nation, are at this time, and have been for many centuries past, kept under the same state of thraldom to the opinion of the Lord Chancellor of England.

This is certainly a matter of very serious importance to the whole nation; and it is certainly highly deserving of their Lordships' inquiry, whether these accounts that are daily circulated in the newspapers, of the proceedings in our different courts of justice, are true. If they are, upon examination, found to be so, it will then be highly deserving of their Lordships' inquiry,

and of the inquiry of the other two branches of the legislature also, if there is any other common law for regulating the common transactions of men with one another, at present enforced in any of our courts of justice, except the *small-debt courts* in Scotland, but the arbitrary opinion of the judges who at present preside in these courts, and the arbitrary opinions of former judges, which they have adopted; and if this traditionary law is not, in most cases, a direct perversion of the law of God, the only natural and reasonable law, by which all mankind ought to regulate their conduct; and if we may not justly say of the lawyers, at this time, as our Saviour said of the Scribes and Pharisees, "Thus have ye made the commandment of God of none effect by your traditions."

It is an historical fact, that the origin of this traditionary common law, which is at this time universally enforced over all the three united kingdoms, and by which all the different ranks of men have been kept under bondage to the judges in the different courts of law, and plundered of their wealth for many ages past—was at first introduced into them by the Pope of Rome, for the purpose of supporting that false system of religion which he had then introduced

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into England. It is an obvious truth, that the religion and the law of every country must be consistent with each other; and that the true system of religion which our Saviour established in the world, as contained in the gospels, cannot possibly be supported in its original purity in any nation, unless the law of God is also strictly enforced in that nation. The judges, in the different courts of justice established by Alfred the Great, being simply bound to swear, *That they would not condemn any innocent man, nor suffer any guilty man to escape*, it is very evident that they were bound to give judgment conformable to the law of God; that is, conformable to that sense of right and wrong which he had implanted in their minds; or, in other words, *conformable to equity and a good conscience*. This being the case, and as that false system of religion which these deceivers in Rome invented, is a manifest perversion of that true religion which Christ himself taught, it became necessary for the Pope to subvert this natural system of law also, before he could obtain that absolute dominion which he afterwards exercised, not only over these kingdoms, but also over all the other kingdoms in Europe. For this purpose he introduced this system of traditionary law which is now generally known

by the name of the *Roman law*, being a collection of the decisions and opinions of the most celebrated Roman judges and lawyers. Upon this iniquitous stock, succeeding Popes, and judges, and lawyers, have each of them ingrafted his own opinion: for it will appear exceedingly evident to any person who is possessed of sufficient patience to read over the history of the decisions which have been pronounced in our different courts of justice, that one order of judges have, like the Popes of Rome, abolished some or other of the laws which some of their predecessors had established, and established their own opinion as the law in its place. By this means, scarcely a vestige of the ancient Roman law, which was originally the foundation of this false system, is now to be found in our modern law books. And by this means, this false system of law has become that immense monster, which Lord Kaimes says, very justly, is altogether undefinable, but which every person in these kingdoms feels the weight of, from the thralldom and oppression which they are made to suffer under it.

By the introduction of this Roman law, which, like the Scriptures, the Pope would not permit to be translated into the language of the

country, he was enabled to introduce a new order of men into the state, as his auxiliaries for the government of the kingdom, for the purpose of reading and explaining this law. These men of course became lawyers by profession; and they were gradually incorporated into that regular society, under the authority and control of the supreme judge of the kingdom, which we now see.

In the proposed Inquiry into the Origin of Government and Law, it will be shown, that the constitution of this society of lawyers, is, in every single feature of it, a perfect copy of the constitution of the church of Rome; and that the Lord Chancellor of England, the Lord Chancellor of Ireland, and the Court of Session in Scotland, the supreme heads of these different societies of lawyers, do actually exercise the same kind of dispensing power in matters of law, which the Pope of Rome assumed to himself, both in matters of law and religion. This is indeed avowed by these judges themselves, and they call this dispensing power with which they pretend to be invested, their *Nobile Officium*. Lawyers tell us, that this dispensing power is necessarily vested in these supreme judges, for the purpose of softening the extreme rigour of

the law, and of rendering it more conformable to equity. This is certainly a very plain unequivocal acknowledgment, that that system of law which they pretend to teach and administer, and which has been imposed upon the necks of the whole nation, is not an *equitable law*.

At the time when the reformation of religion took place in Britain, this false system of law, and this society of lawyers which the Pope had established, although it made so essential a part of that false religion, and was the very support of it, passed altogether unnoticed; and the work of reformation was, in consequence, left half finished. It now deserves the most serious consideration of the legislature, if that civil contention and strife, which at this time so universally prevails over all the land, does not clearly arise from that cause; if this society of lawyers have not continued to labour in that cause of iniquity for which they were originally instituted by the Pope; and, if by means of that false system of law which he introduced into the kingdom, and which they have been hitherto permitted to administer, they have not corrupted the morals, and destroyed the fear of God in the minds of a great part of the inhabitants of these kingdoms. If this shall be found to be

the case, it will deserve the consideration of the legislature, if it is not now full time, that the important work of the reformation of the religion of this country should be completed under the authority of government, by abolishing this false system of law, and this society of lawyers; and thereby banishing this last remains of Popish tyranny from the land.

It is well known, that this society of men have, by some means or other, obtained the absolute and uncontrolled power of the administration of justice in the three united kingdoms; except that small fragment of it which the Justices of the Peace are permitted to administer; and even over this small part of it, they have had the address to retain the control. Being possessed of this absolute power in the administration of justice, our judges in place of calling the parties themselves before them, and inquiring into the truth at the mouth of witnesses, spend their time in hearing the long speeches of that particular order of men who are licensed by themselves, to plead at the bar of their courts; and in reading and considering the voluminous papers which these men put into their hands; and thereby afford them full time to plunder their clients, of whatever portion of their wealth

they please, under the protection of the law, and under the pretence of procuring them justice. By these artful contrivances, they are too frequently enabled to realize the fable of the *oyster*, and leave their deluded clients nothing but the *shells*, together with that irreconcilable hatred and deep rooted malice, which the inflammatory speeches, and defamatory papers or writings of these lawyers have engendered in their minds.

Having obtained this absolute and uncontrollable power in the distribution of justice, it can easily be shown, and it will be distinctly shown in the proposed Inquiry, that they have exercised this power to the utmost extent; and that the whole of the inhabitants of these kingdoms, high and low, rich and poor, are at this moment, as absolute slaves to the arbitrary will of our supreme judges, in matters of law, as ever the nations of Europe were, in the darkest ages, to the arbitrary will of the Pope of Rome, both as to religion and law: and that there is not a single individual in these united kingdoms, who at this moment can truly say, that he has the absolute command over his own property.

The generality of mankind, knowing that they ought to possess an absolute power over

their own property, and not perceiving the effects of that iniquitous system of common law, by which the common transactions of mankind with one another, are at present pretended to be regulated, are led to suppose that they do actually possess this power over it. If the judges, in our different courts of justice, were bound to regulate their judgments, by that internal sense of right and wrong, which the Creator has imprinted upon the minds of all men, and give judgment according to equity and a good conscience, as is prescribed in the small debt act; every person would in that case, most unquestionably possess an absolute command over his own property, because every man would then be compelled to fulfil all those moral obligations, which they come under to one another, in the common transactions of life. But it has been already noticed, that these judges have not for many centuries past, been in the habit of regulating their judgments, by this righteous law; but on the contrary, they, like the Pope of Rome, assume to themselves the power, and are in the constant habit of absolving men from some part or other, of these moral obligations, which they have come under to their neighbour. Covetous men, seeing this to be the general practice of

these judges; they are induced to enter into contracts with their neighbour, with a pre-determined resolution, that they will not fulfil some or other of the obligations contained in it; trusting that, if it shall ever become a question before a court of law, they will be enabled to prevail with the judges, to absolve them from these obligations. The following example will be sufficient to show, that these judges do exercise this dispensing power, and that they are in the habit of absolving men from the performance of those moral obligations which they have come under in their contracts with one another.

A gentleman in the South of Scotland, who is the principal proprietor of a large populous village, has been in the habit of granting what is termed *building leases* of small portions of his property in that village; in which leases, the tenant becomes bound to erect a house, or houses, of certain dimensions, and conformable to a plan therein described; and after these buildings have been so erected, the tenant is bound, by the lease, to keep them in good repair, during the whole course of it, and to leave them so at the expiry thereof. These leases are granted to the person therein named, and to his heirs. But for the purpose of preserving

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his natural power over his property, and for the purpose of preventing any improper person from being obtruded upon him as a tenant, he inserts a clause in all these leases, declaring, That the lease shall not be assigned to any other person without his knowledge and consent. And it is further declared, in these leases, That if the tenant shall fail in the performance of any of the obligations which he had come under in the lease, that the lease shall, in consequence of such failure on the part of the tenant, become *null and void*; and that the landlord shall, in that case, have full power to dispose of the property in any other way he pleases, as freely as if no such lease had been granted. Every person who is in the habit of regulating his conduct in his transactions with other men, by that internal law of righteousness which the Creator has imprinted upon his conscience, must acknowledge that this last clause is a most reasonable one. For it is obviously unreasonable that any person should be bound to fulfil the obligations which he has come under, in any contract, if the other party shall fail in the performance of these obligations which he also came under in that contract.

It is obvious, from what has now been stated,

that this gentleman, in these leases which he granted to his tenants, employed every lawful means to preserve his natural power over his property: but this, as will appear from the sequel, was of no avail.

This gentleman, a good many years ago, granted one of these leases off a part of his property in the village before alluded to, to an old man and his three sons, who then carried on the business of tanners. These men became bound, conjunctly and severally, to pay a certain stipulated rent annually, and to fulfil certain other obligations therein contained. The subjects contained in this lease, consisted of four dwelling-houses and gardens, upon the side of the principal street in the village, and of a piece of ground which was then occupied by them as a tan-yard, and in which there were, at the time when the lease was granted, about twenty tan-pits, together with a drying-shed, bark-house, bark-mill, &c. These tenants became bound to rebuild the whole of the dwelling-houses upon the side of the street, in the manner described in the lease. They also became bound to erect certain additional buildings in the tan-yard, which was deemed to be necessary for carrying on the business, and to keep all

these buildings in good repair, during the currency of the lease, and to leave them so at the expiry of it.

In the course of two or three years after this lease was granted, these men having been unfortunate in their business, became bankrupt. They then without the landlord's knowledge and consent, and without ever asking his consent, granted an assignation of the lease to their creditors, and these creditors in virtue of this assignation, took upon them to divide the subjects into as many different lots as they conceived would be most advantageous for themselves, making each of the dwelling-houses a lot by itself, and the tan-yard a lot by itself. They divided the rent payable for the whole subject also; laying such a proportion of it upon each of these lots, as they deemed to be most advisable; and having then no prospect of getting any person to purchase the tan-yard, they laid nearly the whole of the rent upon this lot, fixing a mere trifle, only a shilling or two shillings, upon each of the dwelling-houses, under the idea that this low rent would induce people to purchase them at a greater price. After making this division of the subjects contained in the lease, they brought the remaining years of it which were

then unexpired to sale by public auction. The dwelling-houses sold very readily, and a person cast up who purchased the tan-yard also. Upon hearing of this transaction, the proprietor called these people who had made these purchases before him; and informed them, that the assignments which they had purchased of the lease of these subjects, was not valid, as they had been granted without his knowledge or consent, contrary to an express stipulation in the lease itself. But he told them at the same time, that although they had thus obtruded themselves upon him without his consent, he was nevertheless willing to receive them as tenants; provided they would connect themselves with him, and with the original lease, by giving him a conjunct obligation for the payment of the whole rent, and for the performance of all the other conditions therein contained. This obligation they refused to grant. The person who purchased the tan-yard became also a bankrupt very soon after this transaction, and that part of the subject has lain ever since unoccupied and totally neglected. These people who had purchased the houses, offered to pay the landlord the small trifle of rent which the creditors of the original leases had put upon them; but this he refused to

take, unless they would pay him the rent of the whole subject, as stipulated in the lease. But this they also refused to do. The matter remained in this state for about twelve years, and the tan-yard having lain all that time unoccupied and totally neglected, the buildings and tan-pits were become totally ruinous. The landlord finding that he could not bring these people to any reasonable settlement; that he could not obtain his rent from them; and that the buildings upon his property were become ruinous, through their refusal to fulfil the conditions of the lease; he found it necessary at last to bring his complaint before the Court of Session, stating, that the defenders had obtruded themselves upon him as tenants of the subjects in question, without his knowledge or consent, in virtue of an assignation to a lease granted by him, which they had purchased from the original lessees, contrary to an express condition in the lease; which expressly declared, that the lease could not be assigned to any person whatever, without his knowledge and consent. Stating also, that these defenders refused to pay the rent stipulated in the lease, or to grant him an obligation for the payment thereof, and for the fulfilment of the other obligations therein con-

tained. Stating likewise, that the tenants were bound by the lease to keep all the buildings upon the premises, together with the tan-pits, in good repair during the whole currency of the lease; that the defenders by their neglect to fulfil this condition, had suffered the whole of the tan-pits and the buildings in the tan-yard to go to ruin; and that in consequence of their failure to fulfil the conditions of the lease, it was now become null and void; and therefore praying that their lordships would declare it to be so, and authorise the petitioner to enter to the peaceable possession of the premises, and the defenders liable in the payment of all the by-gone rents then due, and also in the damages which the petitioner had sustained in his property, by their refusal to fulfil the conditions contained in the lease; or at least ordain them to give the petitioner the conjunct obligation to fulfil the obligations contained in the lease, which he had required from them.

This petition, as is usual, came before the Lord Ordinary, upon the bills, in what is termed the *Outer House*. His Lordship, after advising the answers given in for the defenders, and after hearing a great deal of ingenious pleadings at the bar, pronounced an interlocutor, finding that

the clause, as contained in the lease, *declaring it not assignable without the consent of the landlord*, and the irritant clause *declaring the lease null and void upon the tenant's failure to fulfil the obligations therein contained*, not obligatory upon the tenant; and therefore refusing that part of the prayer of the petition.

It is obvious, that by this decision, the landlord's power over his property was taken away; and that the judge assumed to himself an absolute power over it, and compelled the landlord to receive as his tenants, men who had illegally forced themselves into the possession of a part of his property, under the pretence of an assignment to a lease, in which it was expressly declared, that it could not be assigned without his knowledge and consent: and men too, who refused to pay him the rent specified in this lease, or to fulfil the other obligations therein contained.

After hearing a good deal of additional pleadings upon the last part of the petition, in which the landlord requires an obligation from the defenders, to fulfil the conditions of the lease, the Lord Ordinary was pleased to pronounce an Interlocutor upon that point also. But the landlord being dissatisfied with this interlocutor, carried the cause from before the Lord Ordinary to

what is termed the *Inner House* ; being the court in which the whole fifteen judges preside. The question now before the court was, simply, whether the assignees to a lease were, or were not bound to fulfil the obligations contained in that lease; and, consequently, whether the assignees to the lease in question were, or were not bound to grant the obligation demanded by the landlord. It might have been reasonably expected, that their Lordships would not hesitate a single moment to give judgment in this simple question. For it is certainly exceedingly obvious, that every person who takes an assignation to a lease, thereby places himself precisely in the situation of the original lessee ; and, of course, becomes bound to fulfil all the obligations which the original lessee had taken upon himself in that lease. But simple as this question appears to be, it engaged the attention of the court, and exercised the ingenuity of the lawyers, for no less than eight years. At the end of that period, and after the parties had expended a sum equal to fifty years rent of the subjects contained in the lease, in law expences, their Lordships were pleased to pronounce their final judgment, ordaining the assignees to give the obligation required by the landlord. But in this judg-

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ment they found the landlord only entitled to recover from the defenders a part of the expences which he had been subjected to in this process. By this judgment, the landlord was clearly deprived of his natural power over another part of his property, viz. his money, which was extorted from him by the authority of the court, without his consent, and against his will.

This single example should be sufficient to convince all landed proprietors, that they do not, at present, enjoy that absolute command which they have been led to believe they do possess, and which they certainly ought to possess, over their own property ; and that they are subjected, at present, to the arbitrary dominion of the judges who preside in the courts of law.

Some people may suppose that it is only the people in Scotland that are subjected to this thralldom ; but if the accounts which are given in the newspapers are true, it is pretty obvious, that the landed proprietors, and every other description of men in England, are in precisely the same situation. It is certainly deserving of serious inquiry, if the interference of that society of men who are bred to the law, in the proceedings of our different courts of justice, are not the cause of that procrastination of judgment, and of that immense expence which the

inhabitants of these kingdoms are now subjected to, before they can obtain justice.

It is also deserving of serious consideration, if the pleadings of a lawyer at the bar of a court of justice, or the voluminous papers which they give in to the court, can possibly convey any certain knowledge of the truth to the mind of the judge; and if these pleadings can, at best, be considered in any other light than the bare assertion of the party for whom they plead.

If it shall be found, from this inquiry, that these learned gentlemen are really the cause of that procrastination of justice, and of that enormous expence which the inhabitants of these kingdoms are subjected to, before they can obtain it; and if it shall be found, that the confident assertions which these learned gentlemen make at the bar of a court of justice, are entitled to no more credit, and perhaps not to so much, as the bare assertion of the party for whom they plead, it will be very obvious, that the interference of these learned gentlemen, in the proceedings of our courts of justice, not only cannot possibly do any good; but that they are the obvious cause of the most serious evils. It will, in this case, be highly deserving of the most serious consideration of the legislature of

these kingdoms, if it is not now absolutely necessary and proper, to enact a law for compelling every judge in the kingdom to call the parties themselves before him in the very first instance, in every cause which may be brought before him, and to inquire into the truth at the mouth of witnesses, or from such other legal evidence as may be laid before him, and to give judgment in every cause *according to equity and a good conscience*, as is prescribed in the *small-debt act*. This would immediately abolish that iniquitous and undefinable system of common law, by which the judgments that are pronounced at this time in our courts of justice are pretended to be regulated. And as this learned society of men could not, in this case, find any employment in any of these courts of justice, the society itself would be immediately dissolved for want of employment. By the adoption of this simple and reasonable law, and by this simple and rational mode of procedure, it is pretty evident, that the judges would be enabled to determine twenty, nay, probably, a hundred questions in the same time which they take to determine one; their time, at present, being chiefly occupied in hearing the long pleadings, and in reading the long papers that

are given in by the lawyers employed in the cause. And there is little doubt, if this simple mode of procedure was adopted, there would not, in a very short time, be one half, or perhaps one fourth, part of the causes before any of these courts that there are at present. For those men who are now dispersed over the whole kingdom, and who at present subsist by contention and strife, having then no pecuniary object to serve by it, would not have the same inducement to disturb the peace of the society, by setting men at variance with one another, and would naturally desist from it.

It must not, however, be presumed from what has been said, that the author of these observations considers all the members of this learned society to be bad men.

It has been already observed, that that pretended system of common law, and those iniquitous practices which now prevail in all our courts of justice, was introduced into them by the Pope of Rome, many centuries ago. The present members of this learned society, were introduced into it by their parents, at a very early period of life; and many of them, it is well known, contrary to their own inclination: their parents flattering themselves, no doubt,

that their son would not only be enabled by this profession, to procure a decent livelihood to himself, but also, like many other members of this society, whom they know, obtain a considerable portion of wealth.

The young man, in order to obtain a proper knowledge of the law, is made to drudge through many an irksome unintelligible volume that has been wrote upon it; and to wade through many volumes of the decisions of our supreme judges, in order to acquire a knowledge of the present law of the land: Seeing that these extravagant demands, which the master under whom he studies, makes upon his clients, are sanctioned by the judges in these supreme courts, he is led from habit to consider them to be perfectly lawful; and that he, when he comes to act for himself, has a lawful right to do the same. And when any of these learned gentlemen are so fortunate as to be advanced from the *bar*, to the *bench*, they are naturally led, from this false system of education, to believe, that they are bound to observe the same mode of procedure, which their predecessors had established in the court.

The author of these observations, has known, and does at present know, many gentlemen be-

longing to this society, of the most excellent characters, and irreproachable conduct. He knows many gentlemen who, although they live by the practice of the law, are more anxious to prevent law-suits, than to promote them: and he is very confident, that there are at this time, a great many gentlemen belonging to this society, who will be the very first to step forward, and give their helping hand, for the reformation of our courts of justice; whenever an opportunity of doing it shall occur. This, however, it must be acknowledged, is not the general character of this society of men.

That the expence of obtaining justice in this kingdom, is at this time a most intolerable burden upon the society; too great a part of the community have occasion to know too well from woful experience. Mr. Colquhoun, in his book entitled *The Police of London*, states it as a fact, that a debt of ten pounds cannot, at present, be recovered in England, by a regular process of law, at a less expence than fifty pounds. This is saying expressly, that when any man pursues another for a debt of ten pounds, he and his opponent must pay to the different members of this society of lawyers, five times the sum before he can obtain jus-

tice. This, every person must admit, is a most intolerable oppression. But oppressive as this certainly is, the expence of obtaining justice before the supreme court of justice in Scotland, seems to be still more so. The author of these observations had occasion to know the particulars of a process before the Court of Session between a country banker in his neighbourhood, and a farmer who did business with him, about an alleged debt of twenty pounds, which was ended about three years ago. In the settlement of their annual accompt, the banker had charged the farmer with an article of twenty pounds which he said he had paid to him at the time stated in his accompt; and which the farmer as positively denied having ever received. Being both positive in their opposite assertions, angry words of course passed between them, and having both of them some money to spare, they were advised by their respective lawyers, to carry their dispute before the *Court of Session*. Before this court they went accordingly, to get this dispute settled. As the banker had taken no receipt for this payment, and could produce no other evidence of it but the entry in his own book, it was evident from the very beginning, that the court could not

possibly settle this dispute in any other way than by ordaining the farmer to give his oath whether he had, or had not received the money. But this simple mode of procedure, would have destroyed the trade of law which is at present carried on in this, and in every other court of justice in the kingdom. Learned gentlemen were therefore employed on both sides, to plead the cause of their respective clients, at the bar of the court; and the judges spent as much time as would have been necessary for determining ten thousand similar questions, in hearing these ingenious pleadings, and in reading and considering the ingenious papers, which these learned gentlemen put into their hands for their information. The observer omitted to inquire how long this cause continued before the court. But having had occasion to be with one of the parties immediately after the cause was decided, this gentleman put into his hand an account of the expence of this process, which he had just then received from his agent; and from which it appeared, that it had cost the parties within a mere trifle of two hundred pounds; being ten times the sum for which they had been contending. But the observer has had occasion to know the particulars of some processes before

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this court, and has been informed of others that have occurred within these very few years, the expences of which have been still more enormous. He has been credibly informed of a process which came before the Court of Session a few years ago, respecting the payment of the toll-duty which the keeper of one of the toll-bars near Edinburgh had demanded from a person passing through his toll, in a carriage, drawn by one horse. The toll-keeper said the carriage was a *gig*, and demanded fourpence as the toll-duty; the gentleman on the other hand insisted that it was a *tax-cart*, and refused to pay more than twopence. For the purpose of determining this important question, an application was made in the first instance to the Sheriff, who, after hearing, no doubt, many ingenious pleadings at the bar of his court, pronounced judgment, finding the carriage to be a *gig*; and consequently finding that the owner of it was liable in the payment of the duty demanded by the keeper of the toll-bar. The owner of the carriage not being satisfied with this decision, carried the cause before the Lord Ordinary, in the outer house of the Court of Session, who, after hearing the usual pleadings, pronounced an interlocutor, finding that the carriage was a *tax-cart*; and

consequently, that the owner was only liable in the small duty. The opposite party being now dissatisfied with his lordship's interlocutor, they were advised to carry the question before the fifteen judges in the *inner house*. Their passions being now completely roused by the inflammatory speeches that were made by their respective pleaders before the Sheriff, and before the Lord Ordinary, they were thereby completely drilled, and prepared for a more serious combat before this supreme court. After hearing a great deal of ingenious pleadings at the bar of their court, their Lordships were pleased to pronounce judgment in the cause, in which they reversed the Lord Ordinary's interlocutor, and confirmed the Sheriff's, finding the carriage to be a *gig*. This ridiculous process, the observer is credibly informed, cost the parties engaged in it between forty and fifty pounds. Being from 4800 to 6000 times greater than the original sum for which they contended.

Unthinking men are apt to laugh, and to make it a subject of amusement, when they hear of such ridiculous prosecutions. But those who think seriously upon the subject, and have a proper regard for the welfare and happiness of their country, perceive these things to be of the most serious importance to the whole community.

Some idea may be formed from the few examples which have been stated, what an immense portion of the national wealth must be annually spent, under the present system of dispensing justice, in the three united kingdoms, for the purpose of obtaining it. And it must be observed, that this annual expence, whatever the amount may be, is a positive annual diminution of the national stock of wealth. For it is well known, that the labour of these learned gentlemen, for which it is paid, is altogether unproductive to the nation. It does not like the labour which is bestowed on the cultivation of the earth, in the manufacture of its produce for the use of man, or in any other useful employment, make an annual return to the nation of the sums expended in the purchase of it, with accumulated interest.

But this expence, great as it certainly must be, is only the smallest part of these evils, which the present mode of administering justice, has introduced into society. The most serious evil consists in that universal corruption of moral sentiments which it has occasioned in the minds of the people. That iniquitous and undefinable system of common law, which is now administered, and those absolutions, which our

supreme judges are in the habit of giving to men, from the performance of those moral obligations, which they come under to their neighbours, in their common transactions with one another; has obviously a direct tendency to destroy the fear of God in the minds of men, and to seduce and encourage them to disobey his righteous law. And that libellous, and defamatory language, which these learned gentlemen, who plead at the bar of these courts of justice, are permitted to make use of in their pleadings, and in the papers which they give in to the court, has as direct a tendency to inflame the minds of the parties, and to infuse into them that irreconcilable hatred, and deep-rooted malice, which is the invariable effects of a long and expensive process before these courts, which too frequently terminates only with their lives, and which is sometimes left as a heritage to their children.

It seems to be very extraordinary, that these learned gentlemen should be permitted to utter that libellous and defamatory language before a court of justice with impunity, which they durst not utter in any other place, and which, if they did, would subject them to severe legal punishment.

Some speculative men tell us, that the present

expensive mode of obtaining justice is beneficial to the community at large, because, they say, it has a tendency to prevent litigation. These speculative gentlemen might, however, tell us, with the same degree of truth, that it would be injurious to the welfare of the state to permit a poor man to obtain justice.

These speculative men tell us also, and have taken much pains to persuade the rest of mankind to believe it to be a truth, that the laws of this kingdom, and the mode by which they are administered, are so equitable and just, that they afford the same protection to the poor man *in the peaceable possession of his small property that they do to the rich*. But is this true? or rather, do not the facts already stated, afford unquestionable evidence, that it is an impudent falsehood? For if it is true, that under the present mode of administering justice, men are subjected to such an enormous expence, how is it possible for a poor man to obtain it? and what security does the law afford to him, in the peaceable possession of his small property, against the attempts of the covetous rich man, who wishes to deprive him of it?

That description of men whose situation disables them from purchasing justice at such an

enormous expence, constitutes by far the most numerous part of every society : and it is well known, that there are thousands, nay, probably, millions of people in these kingdoms, who are continually suffering the loss of some part or other of their property, on account of their inability to carry on a prosecution before a court of justice for the recovery of it. And when they are induced to make the attempt, they are generally disappointed in their expectations; and the lawyer, whom they employ to manage their business before the court, too frequently becomes the spoiler, and appropriates the greatest part, and frequently the whole of what he does recover, to himself.

In confirmation of the truth of this observation, the author begs leave to state a case which happened to a servant of his own, and which he knows to be an absolute fact. This man had saved a little money from his wages, during a pretty long course of service ; part of which he had lent out in small sums, to several of his acquaintances in the neighbourhood, and, as is usual, took their bills for the amount, payable one day after date, making them thereby liable in the interest, as well as the principal sum, until it was paid. After some years had elapsed,

he was desirous to call in these small debts, and place his money upon better security. Several of the people who had granted these bills, were desirous, under various pretences, to keep the money still in their hands; and having delayed payment from time to time, the man became impatient, and stated the case to a lawyer in the neighbourhood, who advised him to prosecute the debtors before the Sheriff-court. In compliance with this advice, he put three of these bills, the principal sums therein contained, together with the interest then due upon them, amounting altogether to within a few shillings of ten pounds, into the hands of this lawyer, for that purpose, who immediately commenced a process before the Sheriff. In this process no defence was attempted to be made, and no defence could indeed be made, because the bills themselves bare unquestionable evidence that the claim was just. The Sheriff, therefore, pronounced judgment, ordaining the defenders to pay the principal sums contained in their respective bills, with the interest due thereon, together with one-fifth more, in name of expences, and also the expence of extracting the decret. After going through the usual ceremony of extracting the decret, and of giving a charge of

payment upon it to the defenders, the agent obtained payment of the debt, and the whole of the expences awarded by the Sheriff, which amounted now, altogether, to nearly thirteen pounds. The client was immediately informed of the decret which had been obtained in his favour; but not so soon of the recovery of the money. The lawyer conceiving that the expences of process which the Sheriff had ordained to be paid by the defenders, was not an adequate payment for his trouble in the management of this simple process, he deemed it prudent to make out an account against his client, and to pay himself out of the money then in his hands. The client was at last ordered to call upon him, and receive his money; and knowing that the Sheriff had given a decret for the expence of process, as well as for the amount of the debt, he naturally expected to receive his money without deduction. But to his great surprise and mortification, in place of the ten pounds which he expected to receive, a long account of law expences was put into his hands, with one pound three shillings, as the balance of the account, which, the lawyer told him, was the whole of the money due to him. The poor man was, however, compelled

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to submit. Against this species of legal robbery there seems to be no law; or, at least, none that can be put in execution against these legal plunderers. For before any person who has suffered this kind of robbery can bring his complaint before the court, he must, of necessity, employ some other member of this learned society to plead his cause against his old lawyer; and this subjects him to a new expence: but the lawyer being entitled to plead his own cause, can defend himself without being subjected to any expence. From this cause, and perhaps from some kind of natural fellow-feeling which the different members of this learned society have for one another, those who have been so unwise as to attempt to obtain redress for a fraud of this kind, have always found the remedy worse than the disease.

It is, however, proper to observe, that the lower orders of mankind, when they have any disputes with one another, fall almost uniformly into the hands of the very worst part of this learned society; into the hands of men whom few people of respectability will employ in the management of their concerns; and who are, on that account, compelled to feed almost entirely upon the spoils of the poor.

The real cause of these intolerable oppressions, which the inhabitants of these kingdoms now suffer, from the present mode of administering justice, will be clearly seen from the foregoing observations. And the different members of our legislative assemblies will be thereby enabled to judge whether the bill now before parliament, for the purpose of reforming the courts of justice in Scotland, is, or is not, calculated to remove these evils from the inhabitants of that part of the united kingdom; and whether the proposed increase of the number of judges and of the number of courts, is not more calculated to increase those evils, and make them more intolerable, than to remove them.

Much sophistical reasoning has been employed by the supporters of this bill to make the people in Scotland believe, that the introduction of the trial by jury in civil questions, in the manner now practised in England, will become to them, the same bulwark against tyranny and oppression, which, they tell them, the people in England now enjoy. But if the accounts, which all the editors of the English newspapers give us of the proceedings of their courts of justice is true, the people in England have certainly little cause to boast of *this trial by jury*; or to de-

pend much upon it, as a bulwark against tyranny and oppression.

For these newspapers inform us, that, after the cause has been opened and explained by the learned gentleman, who has been retained on the part of the prosecutor, after the evidences that have been brought forward by the two parties, in support of their respective allegations, have been examined, and after hearing the ingenious pleadings of these learned gentlemen upon this evidence, in favour of their respective clients, the learned judge, then addressing himself to the jury, tells them his own opinion of the import of the evidence which they have heard, and, after giving them this opinion, he states to them the law which is applicable to the question before them, and by which he tells them they are bound to regulate their verdict. But seeing that the learned gentlemen, who plead at the bar upon the opposite sides of the question, uniformly differ in opinion, respecting the true intent and meaning of the law, which the learned judge has attempted to explain to them, but of which they themselves can form no opinion; they generally consider it to be the safest way for them to adopt the opinion of the judge; and bring in a verdict conformable to that opi-

nion. But the newspapers inform us, that the judge very frequently, after giving the jury his opinion of the import of the evidence, and of the law by which, he tells them, they must regulate their judgment, requires them expressly to bring in a verdict conformable to that opinion, seemingly regardless of the oath which the jury have sworn, to give judgment according to equity, and conformable to the dictates of their own conscience, regardless of the opinion of any other man. If these things which the editors of the English newspapers tell us are true, with what degree of justice can an English jury, who are themselves laid under this absolute thralldom to the opinion of the judges, be considered as the guardians of the liberties of their fellow-subjects? But even supposing these juries were perfectly released from this disgraceful thralldom, and supposing them to be ever so much disposed to pronounce judgment *according to equity and a good conscience*, in conformity to their oath, it is, under the present constitution of these juries, obviously impossible for them to do it. The English juries, it is well known, are bound to return an *unanimous verdict*; and after they are once inclosed, they must remain there, until they can prevail upon each other

to agree in this unanimous verdict; or otherwise continue shut up until some or other of them are starved to death. This is surely a most unreasonable imposition upon the consciences of men, who are each of them sworn to give their verdict conformable to the impression which the evidence that has been laid before them may have made upon each of their consciences. Is not this absolutely compelling those individual members of the jury, who happen to differ in opinion from the majority, to act directly contrary to the dictates of their own consciences, and, consequently, to become guilty of perjury?

This is the constitution of the juries, which the Advocates for Lord Grenville's bill, are at this time so anxious to impose upon the people of Scotland. But these gentlemen may be assured, that the enlightened consciences of this people, will not permit them to submit to such an abominable thralldom.

Every jurymen, it is well known, is bound by his oath, to make diligent enquiry into the truth; and he must, of course, lie under the same moral obligation, to employ every lawful means for the purpose of obtaining that knowledge, and for the purpose of retaining it, after

after he has acquired it, upon his mind. For the purpose of enabling the jury to retain this knowledge of the truth which they had acquired from the witnesses that they had examined, it was the universal practice in Scotland, until a few years past, in all justiciary trials, to cause the clerk to take down the evidence in writing, under the direction of the judge, as it fell from the mouth of the witness in his own words. Every jurymen having the power of correcting the judge, and of appealing to the witness himself, if they apprehended the judge had committed any mistake in dictating the evidence. The witness after he had finished the whole of his evidence, was obliged to remain at the bar, until he heard this written evidence read over by the clerk, which he had the power of correcting, if he perceived any part of it to be different from the evidence which he had given. After which he was obliged to sign his name upon every page of this written evidence, in presence of the jury, as a testimony to them, that it was truly the evidence which he had delivered. When the witnesses were all examined, this written evidence together with the libel, was delivered to the jury when they came to be inclosed for their consideration, and for the purpose of ena-

bling them to declare their verdict agreeable to truth and a good conscience. But about twenty-four years ago, the Lords of Justiciary in Scotland obtained an Act of Parliament authorising them to dispense with the written evidence, in such cases as they might deem it to be proper ; and also ordaining them to *sum up* the *viva voce* evidence to the jury, before they were inclosed. This pretended *summing up of the evidence*, is, in fact, authorising the judge to impose his own opinion of the import of the evidence which has been delivered at the bar of the court, upon the jury. This power which the judges have thus acquired, of imposing their own opinion upon the jury is unquestionably improper, and exceedingly dangerous to them, as will be afterwards shown.

Seeing that our Lords of Justiciary have exercised that dispensing power which they thus obtained to its utmost extent, that they have hitherto refused every application which has been made to them by the jury, to cause the clerk of court take down the evidence delivered by the witnesses in writing, and have imposed their own opinion upon them, as the import of the evidence which had been given at the bar, the author of these observations flatters himself that

it will not at this time be deemed by that part of his fellow-subjects in Scotland, who usually compose the jury upon justiciary trials, either presumptive or impertinent in him, to point out the legal means which the Almighty has still afforded them of resisting those shackles which are endeavoured to be imposed upon their consciences, and of securing to themselves and their posterity that perfect freedom in matters of conscience, which their forefathers purchased for them with their blood.

The right which every individual juryman in Scotland has to take down the evidence delivered by the witnesses at the bar, in writing, and to stop the proceedings of the court, for the purpose of obtaining time to write down this evidence, is unquestionable. The pen, ink, and paper, which are uniformly laid down before each of them, is a positive acknowledgment on the part of the judge himself of this individual right. If they possess this right individually, they must necessarily possess it collectively. If, therefore, the judge shall, upon an application from the jury, still refuse to order the clerk of court, to take down the evidence in writing, as formerly, it is unquestionably the duty of the jury to exercise that collective right

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which they possess, by appointing two of their number, one to dictate the evidence, and the other as clerk, to take it down in writing. It is their duty also, to cause the witness to remain at the bar until this written evidence is read over to him, and until it is corrected, as he shall direct, after which he should be required to put his name to each page of it, as a testimony to them that it is true.

But there have been trammels, imposed upon the consciences of jurymen, in all justiciary trials in Scotland, of much more serious importance, both to themselves and to the country, than even the written evidence. And, as these trammels have been imposed upon the consciences of jurymen for a long time past, and have become familiar from mere habit, it will require no small degree of resolution and fortitude, in the more enlightened part of the jury, to burst them asunder, and free themselves from these snares which have been thereby laid, to entrap their consciences.

It is unquestionably the duty of every jurymen, being bound by his oath, to give his verdict, whether the prisoner is guilty or not guilty, conformable to that impression which the testimony of the witnesses may have made upon his own conscience, and, of consequence, he is not at liberty

to listen to the opinions of any other men. Because, if he do listen to any other man's opinion, he thereby knowingly and wilfully places himself in the way of temptation; he thereby gives these men an opportunity of seducing him from the conscientious discharge of his duty, by these artful speeches and sophistical arguments, which they employ to eradicate those impressions which the testimony of the witness had made upon his conscience, and to imprint the very opposite impressions upon his mind; and he is thereby led to become guilty of perjury. For these important reasons, it is evidently the duty of those men who are called upon to give judgment upon any of their fellow-subjects, to retire to the place appointed for them, the moment the evidence is closed, and while the impression which the testimony of the witnesses has made upon their consciences is fresh, and strongly imprinted upon them; and there, each of them to declare the verdict which his own conscience may dictate to him. But it has been the practice in these courts, for time immemorial, to keep the jury in court, until the learned pleaders, on both sides of the question, shall have had an opportunity of employing the most seducing and delusive argu-

ments, in opposition to each other, for the purpose of seducing the jury to pronounce a verdict conformable to their respective and contradictory opinions: and, after the minds of the jury have been thus confused by these specious and contradictory arguments, the judge steps in to finish this scene of iniquity, by what is termed *summing up the evidence*, and by delivering his own opinion of the import of it.

Now, let us ask any jurymen in Scotland, to lay his hand upon his breast, and declare, whether he is, or is not able to suffer all this temptation to violate the oath which he has sworn, and still retire from the court with the same simple impression upon his conscience, that the testimony of the witnesses had imprinted upon it, when the evidence was closed? If he cannot answer this question in the affirmative, (and where is the man upon the face of the whole earth who can do it?) it is unquestionably his duty to use every means in his power to avoid the temptation. This can only be done by bursting asunder those fetters which the Pope of Rome originally imposed upon the consciences of men, by that iniquitous mode of procedure which he established in all our courts of justice, and which have continued to this very day.

That wretched being who shall refuse to give his assistance for the accomplishment of this important reformation of our courts of justice, for the purpose of emancipating himself from this intellectual slavery, is unworthy to enjoy that freedom of conscience which our forefathers, as was before observed, purchased for us with their blood, at the time of the Reformation, and during the reign of James the Second of England.

It now only remains to be shewn by what easy means this important reformation of our courts of justice may be accomplished, and that it is only necessary for the jury to act with firmness and resolution.

Having shewn that it is an indispensable duty incumbent upon them to retire from the court, the moment the evidence is closed, and while the testimony of the witnesses is in its full force upon their consciences, it is only necessary for them to represent to the judge, that, having taken an oath to give their verdict conformable to the impression which the testimony of the witnesses may have made upon their consciences, they wish now to retire, to make out their verdict, and to desire him to give orders to the proper officers attending upon the court, to clear the way to them, to the place appointed for

them. It is to be hoped, that there are no judges now presiding in any of our courts of justice, either in Scotland or in England, who will venture to refuse such a reasonable demand. But if this should be the case, and if the judge should still insist upon their remaining in court, the jury have only, in this case, to make out a list of the names of those who compose the jury, and cause each person say, in writing, opposite to his name, whether the pannel is guilty or not guilty, together with the name of the person whom he shall propose to elect as their chancellor, or foreman. Upon receiving this paper, the chancellor will naturally inform his Lordship, that the jury have already determined upon their verdict, and that they are now ready, either to retire and make out their verdict in due form, or remain in court, until the learned gentlemen and his Lordship have finished their speeches, as he pleases. The object of them being thus determined, the speeches will, no doubt, be dispensed with.

It is obviously impossible for the judge to prevent the jury from carrying this plan into execution. By this means they will be enabled to keep themselves out of the way of temptation: and by this means, and by their own

power alone, they will be enabled to banish these perverters of justice from these courts.

There are men, however, and, it is to be feared, a great deal too many of them in the world, who, being too indolent to make use of those rational faculties which the Almighty has bestowed upon them, have become absolute slaves to precedent and custom. These indolent men adopt every precedent and custom which their forefathers have established, without ever inquiring whether they are founded in reason and truth or not; and are thereby led to believe, that these customs, like the laws of the *Medes and Persians*, ought never to be altered. But it is the very object of these remarks, to awaken these unthinking men from that dreadful lethargy which they have brought upon themselves; to shew them the dangerous paths in which they are now walking, and that these paths lead directly to the pit of eternal destruction. These unthinking men would do well to read frequently the parable of the *unprofitable servant*, and the doom which, our Saviour informs us, he will denounce against such indolent men, *in the day of judgment*.

These unthinking men will, no doubt, be perfectly horrified at the idea of banishing these

learned pleaders from the bar of our courts of justice ; and they will be ready to exclaim, that this is directly depriving the pannel of his lawful means of defence, without ever giving themselves the trouble to inquire, whether the means which these learned pleaders employ, for the purpose of saving a guilty man from that punishment which the law has ordained to be inflicted upon him for his crimes, are lawful or not. These men do not consider, that *that tender mercy* which they are so anxious to show to these wicked men who are guilty of transgressing the laws of their country, is a positive act of *cruelty* done to the righteous part of the community, whose lives and property are thereby subjected to the lawless cruelty and rapine of these wicked men. Neither do these unthinking men perceive, that that iniquitous means of defence which they are so anxious to preserve for the benefit of such unrighteous men, have a direct tendency to render the criminal laws of the country of no effect.

That wicked men who are in the habit of transgressing the laws of their country, should be anxious that these learned gentlemen who are now permitted to plead before our criminal courts of justice, should still continue to exercise

that influence which they have obtained in these courts is no way surprising, because they have too frequently an opportunity of seeing men who were clearly convicted of the crime of which they are accused, by the evidence brought before the court, saved from the gallows by it; the jury having been seduced by the artful address of these learned pleaders, to bring in a verdict of *not guilty*, contrary to the evidence which has been laid before them. Of this we had a pretty striking example some years ago, in the trial of *O'Connor and his gang at Maidstone*. But is not this means which these learned gentlemen employ to save a guilty man from that punishment which the law has ordained to be inflicted upon him for his crimes, clearly an unlawful mode of defence, seeing that it has a direct tendency to seduce the jury to violate the oath which they have sworn, and to pronounce a verdict contrary to that impression which the evidence adduced upon the trial may be supposed to have made upon their consciences? And seeing that it has the effect of screening a guilty man from that punishment which the law has ordained to be inflicted upon him, does it not in all such cases, render the criminal laws of this kingdom of no effect, and encourage

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wicked men to continue in the practice of wickedness? But enough has been already said, in our observations upon the present mode of conducting trials by jury in our criminal courts of justice, to convince any rational mind of the absurdity of the arguments which these unthinking men employ in favour of the practice which obtains at present in these courts.

This learned society of men have, at some period or other, invented another method of screening a guilty man from the punishment ordained by the law; which, from mere habit, and contrary to reason and common sense, is now universally considered to be the established law of England. It is well known, that if the person who writes out the libel against the prisoner shall, either through mistake, or wilfully, indict the prisoner by a wrong name, or commit any other misnomer in his libel, it matters not how atrocious the crime may be, or how notorious it may be that the prisoner at the bar committed the crime, the judge considers himself bound, by this pretended law, to dismiss the prisoner instantly from the bar of the court, as an innocent man.

Is not this a perfect mockery of justice? Is it not treating the laws of the country with the

most sovereign contempt? and is it not investing any unprincipled public prosecutor, with the same power which the Pope and his ministers pretended they were invested with; and enabling him to obtain a pardon to any criminal he pleases, who will pay him the price which he may please to demand for it? Will any man pretend to say, that any misnomer in the libel can place the pannel in a more hazardous situation than he would have stood in if no such misnomer had been committed? The witnesses who are called to prove the truth of the libel are not brought to the bar of the court to prove that it was a person of such or such a name who committed the crime stated in the libel; but to prove that the prisoner standing at the bar, by whatever name he may be called, is the identical person that committed that crime.

It is well known that there are many men who bear the same name and surname: suppose a person who bore the same name with another who had committed some atrocious crime, should, by some extraordinary blunder on the part of the public prosecutor, to be brought to the bar of a court of justice, in place of the person who had committed the crime, to be tried for that crime; and if it appear from the testi-

mony of the witnesses, that the prisoner at the bar is not the person who committed the crime ; would he not of course be found by the verdict of the jury to be *not guilty*, although he bore the same name as the person who committed the crime?

Seeing then, a *misnomer* in the libel cannot of itself render any man guilty of a crime of which he is not guilty ; ought a guilty man who has actually committed the crime of which he is accused, be allowed to escape the punishment which the law has ordained to be inflicted upon him, by such a *misnomer*? and is it not clearly the duty of the judge who presides in the court where any such *misnomer* may be discovered in the libel, to cause the prosecutor correct his libel in the face of the court, and proceed in the trial as if no such thing had happened?

It was always the practice in Scotland, when any *misnomer* was discovered in the libel, for the public prosecutor to desert the diet *pro loco et tempore*, as they term it, and to apply to the judges for a new warrant to commit the prisoner to jail in order to trial at a future day, for the purpose of giving him time to amend his libel. This piece of formality was certainly un-

necessary. It would have been more proper to have directed him to correct his libel in the face of the court, and to have proceeded with the trial as they would have done if no such error had been committed. But although it is evidently a very unnecessary piece of formality, it is not such a complete mockery of public justice as that which is committed in the criminal courts in England, upon such occasions.

But from some things which have recently happened, it would seem that our Scots judges are now proposing to introduce this part of the English law, and this iniquitous practice, into our criminal courts of justice in Scotland. For only a few months ago, a man having been brought to trial before the High Court of Justiciary in Scotland, accused of the murder of a woman, who it appeared he had seduced, and who was with child to him at the time ; the King's Advocate in making out his libel against this man, had, it seems, committed a misnomer in his designation of the father of the deceased; having called him either a wright, when he ought to have been designed a tailor, or a tailor, when he ought to have been designed a wright. This misnomer was not discovered until the jury was sworn, and until the mother

of the deceased was brought into the court to give her evidence before them. Upon the discovery of this *misnomer*, the Edinburgh newspapers informed us, that the counsel for the prisoner claimed an absolver for his client; and these papers informed us also, that the judges complied with his requisition, and directed the jury to bring in a verdict of *not guilty*; and that without suffering them to hear the evidence, from which alone they could obtain any certain knowledge, whether the pannel was guilty or not guilty, of the murder with which he stood accused. The same newspapers informed us, however, that the jury were so submissive to this command of the judges, as to bring in a verdict of *not guilty*, in compliance with their orders, without knowing, as was before observed, whether the prisoner was, or was not guilty.

It would not have been easily supposed, that a Scots jury, composed of so many enlightened men as are generally chosen to sit upon these justiciary trials in Edinburgh, would have suffered themselves to be dictated to in this arbitrary manner, by any judge. But this furnishes us with an example of the extreme danger of suffering any iniquitous practice, however trifling it may at first appear to be, into any court of jus-

tice. The Scots juries, having permitted the judges to deprive them of the benefit of the written evidence, these judges, in consequence of this compliance on the part of the jury, proceeded next to lay a restraint upon their liberty of conscience, and to seduce them to violate their oath, by imposing their own opinion upon them, under the pretence of *summing up the evidence*. It now appears, from the newspaper account of this trial for murder, that the jury who sat upon that trial, have suffered these judges to proceed to the very utmost extreme of arbitrary power, by returning a verdict of *not guilty*, in compliance with their commands without any sort of evidence whatever. It is only now necessary for these judges to persuade all the other juries in Scotland to yield them the same servile obedience which this Edinburgh jury has done; and they will then reign triumphant, and may then dispose of the lives and property of all his Majesty's subjects in that part of the united kingdom, in any way they please.

It was certainly of no sort of consequence to the proper administration of justice, whether the father of the person murdered exercised the trade of a wright or of a tailor. It was sufficient for the jury to know, that the woman

named in the libel was certainly murdered; and that the prisoner standing at the bar was the person accused of that murder. When the jury were required by the judge who presided in the court, to bring in a verdict of *not guilty*, on account of this ridiculous *misnomer* in the libel, it was certainly their duty to have told his Lordship, that, having each of them taken an oath to give his verdict *conformable to the impression which the testimony of the witnesses should make upon his own conscience*, they neither could nor would comply with his Lordship's command; and that they neither could nor would pronounce any verdict, until they had heard the whole of the evidence, and that they would then pronounce a verdict conformable to the dictates of their own consciences; leaving it to their Lordships to determine, whether they would or would not permit the council for the pannel to plead this ridiculous *misnomer* in bar of judgment.

The newspapers informed us, that after this verdict was pronounced by the jury, the judges, in consequence of an application from the king's advocate, granted a new warrant to incarcerate the prisoner again in the Tolbooth of Edinburgh, in order to trial for the crime of which

he had been now acquitted. It could not, surely, have been easily believed, that the supreme judges of the nation could, for a moment, have so far forgot the laws of their country, which it was their duty to administer, as to grant such a warrant. But the same newspapers informed us afterwards, that, when the prisoner was again brought before the court, in consequence of this new warrant, for the purpose of undergoing a new trial, their Lordships then made the discovery, *that a person could not be tried twice for the same crime.* And this murderer thereby escaped the punishment which ought to have been inflicted upon him for this horrid crime.

Having shown the arbitrary power which our judges and lawyers have now acquired by that speculative system of common law, and those iniquitous practices which the Pope of Rome introduced into all our courts of justice, and which are continually increasing in magnitude; it is now deserving of the most serious inquiry if these learned gentlemen have not also assumed to themselves the power of legislation. This will no doubt appear, to the generality of men in these kingdoms, a most extraordinary proposition; because, it is universally believed, that there is no man, or any body of men in these

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kingdoms invested with power *to enact any law for the government of the realm, or to explain, alter, amend, or repeal, any law that has been enacted, but the king, lords, and commons in parliament assembled.* But the following facts will shew that the judges and crown lawyers in Scotland have actually assumed to themselves this legislative power, and that they are in the constant habit of explaining, altering, amending, and even of repealing the acts *of the king, lords, and commons in parliament assembled*, at their pleasure; and the records of the court of judicary in Scotland, will afford the most unquestionable evidence, that the things which will now be stated are true.

Can any man who has not some object to gain by it, pretend to say, that all the laws which have been enacted by the united parliament of England and Scotland since the union of the two *crowns*, except those which are confined within particular limits, by the express words of the act itself, are not intended by the legislature to extend over the whole of the united kingdoms? and is it not obvious that every judge in Scotland who takes upon him to say that any of these British statutes, in which there is no clause of limitation, does not extend to Scotland,

assumes to himself the legislative power of explaining these laws? It is, however, an unquestionable fact, and the records of the court of session and of the court of justiciary will prove it to be so, that there are a great number of the British acts of parliament, and particularly of the penal statutes, in which there is no clause of limitation, which these judges have taken it upon them to say were not meant to extend to Scotland, and which they have uniformly refused to execute in that part of the united kingdom. And it is a fact, that there is no man in Scotland who knows, at this day, whether he is or is not amenable to any of these laws that are enacted, in which it is not expressly declared that they do extend to Scotland; until these supreme judges have been pleased to declare their will and pleasure, whether they shall, or shall not extend to that part of the united kingdom.

This is surely assuming to themselves, not only the power of explaining the laws, but of even repealing them too, in so far as relates to Scotland.

Of this assumption of legislative power, a few examples will now be given.

By an act passed in the 4th of Geo. I. intituled "An act for enforcing, and making perpe-

" tual, an act of the twelfth year of her late
 " Majesty, Queen Ann," intituled, " An act
 " for the preserving of all such ships and goods
 " thereof, which shall happen to be forced a-
 " shore, or stranded upon the coasts of this king-
 " dom, *or any other of her majesty's dominions* ;
 " and for inflicting the punishment of death on
 " such as shall wilfully burn or destroy ships.
 " It is enacted, if any owner of, or captain, mas-
 " ter, mariner, or other officer, belonging to any
 " ship, shall wilfully cast away, burn, or other-
 " wise destroy the ship, or direct or procure the
 " same to be done, to the prejudice of any per-
 " sons that shall underwrite any policy of insur-
 " ance thereon, or of any merchants that shall
 " load goods thereon, he shall suffer death."

As the act of the 12th Queen Ann, is expresse-
 ly declared to extend *to the whole of her majesty's*
dominions, there can surely be no question that
 the act of the 4th Geo. I. which was enacted for
 the express purpose of enforcing the act of
 queen Ann, and for rendering it perpetual, must
 also extend, not only to Scotland, but to every
 other part of his Majesty's dominions also.

Another act passed in the 11th Geo. I. for
 enforcing and explaining the former act. In
 this second act, the enacting clause describing

the crime, and the punishment ordained to be inflicted upon those who shall be guilty of it, is a mere repetition of the former act already recited; and as it is not declared in this last act, *that it shall not extend to Scotland*, it must necessarily be understood to extend to Scotland also.

But in the year 1751 a man of the name of *Lampro* was indicted upon these acts, and brought to trial before the judge admiral in the high court of admiralty in Scotland. When the judge admiral in his interlocutor upon the relevancy of the libel, found that these acts of the 4th and 11th of Geo. I. *did not extend to Scotland*, and therefore refused to try him upon them.

In the year 1784, two other men, named John Maciver, and Arch. Macallum, being accused of committing the same crime, were indicted upon these acts, and brought to trial before the same court, but before a different judge admiral than the one who presided in that court upon the trial of *Lampro*. The council for the prisoners in their pleadings against the relevancy of the libel, stated the decision given by the former judge admiral in the case of *Lampro*, as a case in point. The judge who then presided in this

court being, however, of a different opinion from his predecessor ; pronounced an interlocutor, finding that the acts of the 4th and 11th of Geo. I. *did extend to Scotland*. The public prosecutor having restricted the whole of his libel to an arbitrary punishment ; the trial went on, and the judge pronounced judgment upon the prisoners. Against this sentence the prisoners presented a bill of suspension to the court of justiciary ; upon which, this supreme court pronounced the following judgment : “ Find “ the statutes of the 4th and 11th of Geo. I. “ libelled on, *do not extend to Scotland* ; but find “ that the libel as laid upon the common law, “ was relevant to infer the punishment ordained “ to be inflicted upon the prisoners, by the judgment of the judge admiral.”

It is evident that in this judgment pronounced by the Lords of justiciary, these judges have not only assumed to themselves the legislative power of explaining the laws enacted by the king, lords, and commons of Great Britain, in parliament assembled ; but that they have also arrogated to themselves the power of repealing these laws, in so far as respects Scotland, finding that his Majesty's subjects in that part of the united kingdom are not amenable to them.

House-breaking, attended with theft, is, it is well known, a capital crime. And the legislature has ordained, that all those who are guilty of this crime, shall suffer death. But this punishment is but very seldom inflicted upon those who are convicted of this crime in Scotland, of which the records of the circuit courts of judicary will afford ample testimony. The King's Advocate it seems, still possesses officially, some portion of that dispensing power with which certain official members of this learned society was originally invested with by the Pope of Rome. And, when any part of the statutory punishment is proposed to be dispensed with, as a matter of grace and favour to any criminal in Scotland, the concurrence of this officer, is, it seems necessary, to enable the judge to bestow this act of grace upon the prisoner; and a particular mode of trial invented for the purpose, is, it seems, necessary to be observed.

The public prosecutor makes out his libel against the prisoner in the usual stile, stating the crime which he has committed, and concluding for the statutory punishment. After the jury are sworn, the libel is read over as usual, and the prisoner is called upon, as usual, to say, whether he is guilty or not guilty. When he,

in obedience to the instructions which he had previously received from his counsel, pleads *guilty*. Upon this, the public prosecutor rises, and informs the judge, that, in consideration of the prisoner's candid acknowledgment of the crime which he has committed, and on account of other circumstances, he restricts his libel to an arbitrary punishment ; that is, to any punishment which the judge may be pleased to inflict upon him, except death. Upon this the judge, addressing himself to the prisoner, praises the lenity which his Majesty's Advocate has exercised towards him, in thus restricting his libel, whose power to do so he does not presume to call in question ; he tells him if the libel had not been thus restricted, and if the crime with which he is charged, had been proved to the satisfaction of the jury, he must of necessity have pronounced sentence of death upon him. The jury are then directed to retire and make out their verdict, which, in consequence of the prisoner's judicial confession, can be no other than *guilty*. This verdict being returned, the judge proceeds to pronounce judgment. If the theft which he has committed is of considerable value, he will perhaps banish him to his Majesty's plantations abroad for a certain number of years, and sometimes

from Scotland only. This last punishment is truly a farcical one. The thief is by this judgment permitted to cross the Tweed, or any other part of the boundary between the two united kingdoms, and prosecute his usual depredations upon his Majesty's English subjects, until he meets there, at last, with that punishment which his crimes deserve, and which ought to have been inflicted upon him in Scotland. And thus ends this farcical trial. *

Here we see the judge, and the crown lawyer, conjunctly, exercising the legislative power *of altering and amending the laws enacted by the King, Lords, and Commons, in parliament assembled.*

But the following example of the legislative powers which the judges and crown lawyers in Scotland have assumed to themselves, and which is the last that will be given at this time, is the most extraordinary of all.

It is well known to all men in this kingdom, that, both by the laws of God and man, every person who is guilty of taking away the life of any of his fellow-creatures, deliberately and wickedly, is ordained to suffer death; this being

* See Records of the Court of Justiciary at Dumfries, April, 1803, and at Edinburgh, 21 July, 1807.

the only atonement that can possibly be made for that horrid crime.

Child-murder, committed by the unnatural parent, is certainly the most horrid species of this crime. By an act passed in the Scots parliament, 1690, commonly called *King William's Act*, it is ordained, that "any woman who shall conceal her pregnancy, during its whole course, and shall not call for, or make use of, help, at the birth, is to be reputed the murderer, if the child be dead or missing."

But, in utter contempt both of the laws of God and man, the records of the court of justiciary will bear ample testimony, that although there is scarcely a year passes in which one or more of such murderers are not brought before the circuit courts of justiciary, in some part of Scotland, yet it is an unquestionable truth, that there has not a single person in Scotland suffered the punishment of death for this crime for thirty years past,* or, in fact, any punishment at all. The farcical mode of procedure which is observed in these pretended trials is such a daring insult to public justice, and such a daring assumption of arbitrary power, that it seems

* See Records of Court of Justiciary, from the year 1780 to 1807.

altogether unaccountable how it can have escaped the notice of the legislature of these kingdoms for so long a period.

In these sham trials for *child-murder*, the libel is founded upon these statutes which have been enacted for the punishment of those who are guilty of this crime, and particularly upon *King William's Act*, before recited, and concludes for the infliction of the statutory punishment. But the business having been previously settled between the counsel for the prisoner, the king's counsel, and the judge, the prisoner, when she is arraigned at the bar of the court, pleads *not guilty*. She then presents a written petition to the judge, which had been previously prepared by her counsel; in which she states, that although she is perfectly innocent of the crime of which she is accused, yet, on account of the unfavourable impressions which have been unjustly infused into the minds of her friends and neighbours, she finds that she can live no longer, with any degree of comfort, in her own native country, and therefore prays his Lordship, that he will be pleased to pronounce judgment, ordaining her to banish herself forth of Scotland for life. After this petition has been read over by the clerk, the king's counsel rises, and in-

forms the judge, that he consents to the prayer of this petition. This concurrence on the part of the king's advocate is sufficient, it seems, to invest the judge with power to dispense with the trial altogether; and, in consequence, without calling a single witness to the bar, to prove whether the prisoner is guilty or not guilty of the crime of which she is accused; and, of course, without permitting the jury to pronounce any verdict whatever, he proceeds to pronounce judgment in terms of the prayer of her petition, ordaining her *to banish herself forth of Scotland for life.**

Does not the judges and the king's advocate, in these cases, assume to themselves *the legislative power of repealing the acts of the British legislature against child-murder in Scotland, and enforce a law of their own enactment upon the inhabitants of that part of the united kingdom?* And have they not also, by their own power alone, abolished the trial by jury, in Scotland, in all cases of child-murder?

But this punishment, farcical as it is, is seldom, if ever, inflicted upon the murderer. Under the pretence of giving her time to prepare

* See Records of the Circuit Court of Justiciary, at Glasgow, May, 1804.

herself for this pretended banishment to England, she is allowed to go home to her friends for ten days or a fortnight, and no further notice is ever taken of her.

It does not appear that the English judges and crown-lawyers have yet assumed to themselves the power of expressly repealing the acts of the British legislature; but if we may believe the accounts that are given in the English newspapers, of the proceedings in their courts of justice, they seem to be very much in the habit of assuming to themselves the legislative power of explaining and amending these laws, and particularly the revenue-laws.

Having shewn the grievous oppression which the inhabitants of these kingdoms are at present subjected to, by those iniquitous practices that were originally introduced into all our courts of justice, by the Pope of Rome and his agents, and by the arbitrary dominion which the judges who preside in these courts have thereby acquired—it is now proper to shew, by what means those evils, as well as that grievous oppression which the *poor-laws* have brought upon the country, may be removed.

The means of obtaining these desirable and important objects are simple and easy. It is

only necessary for that purpose, that the different ranks of the landed proprietors in the three united kingdoms should be invested with the same power in the government of the country, and in the administration of the laws which they enjoyed under that divine system of government which the Almighty established in England, during the reign of *Alfred the Great*.

It will be seen in Henry's History of Britain,* that under that divine system of government, there were a regular chain of governing powers established in every member of the state, advancing gradually in power and dignity, from the father of a family, to the king upon the throne; and that these natural governing powers, or magistrates, were those landed proprietors who possessed the chief power or influence in that particular member of the state which was placed under his authority.

It appears that each of these magistrates had his own court of justice in which he presided for the administration of justice within his own district; and that the constituent members of these courts of justice, or the *jury*, by whose verdict every question that came before the court was determined, were that particular class of

* See Volume 3d, Book 2. Chap. 3. § 2.

landed proprietors whose natural power and influence in the state corresponded to the power and dignity of the court which they composed.

So many families being united together, and formed into what may be termed, one complete whole, by the influence of its own natural head or *tithing-man*, constituted what was called the *tithing-court*. This was the lowest court of justice in the kingdom. In this court, all the petty questions which arose between the different members of the tithing, were determined. A certain number of these tithings being again united together, and formed into a greater whole, under its own natural head, or *hundredary*, formed that district, or division of a shire or county, which was called a *hundred*. As the hundredary was a magistrate superior in dignity to the tithing-man, the hundred court in which he presided was also invested with a superior degree of power over all the members of the hundred. To this court, those who were dissatisfied with the judgments pronounced in the tithing-courts might appeal; and it appears that this court was invested with power to take cognizance of all questions, both civil and criminal, that occurred within the hundred; except these atrocious crimes which inferred *death or slavery*.

A certain number of these *hundreds* being again united together and formed into a still greater whole, under the authority of a still more powerful head, constituted a *shire*, or county. This was one of the greatest members in the state. The magistrate who presided in the county court, was termed the *alderman of the shire*, now the *lord lieutenant*. This magistrate was always a person of the highest dignity and power in the county over which he presided; and as his duty as a commander in the army, and his necessary attendance upon the court, rendered it impossible for him to be always present in the court in which he was appointed to preside, he was permitted to appoint a deputy, called the *shire grieve*, now the *vice lieutenant*, who presided in the court in his absence, and became his assessor when present. As this was the supreme court of justice in the county it was invested with power, not only to give judgment in all appeals from the inferior courts, but also in all cases both civil and criminal, that occurred within the county. As each of these shires or counties, with the alderman or lord lieutenant at its head, formed the different great members of the state, co-equal in dignity and power; these being again united together, and

formed into one complete whole, by the supreme influence of the sovereign, the supreme magistrate in the society; this great whole, constituted that great member of the general society of mankind, which is termed a *kingdom* or *empire*.

By this union of the great members of the state into one complete whole, or unit, a supreme court of justice was formed for the whole kingdom, which was called the *king's court*, now *the House of Peers*. In this supreme court the king presided, either personally, or by his deputy, who was called the *alderman of all England*, now the *lord chancellor*; to this supreme court, all those who deemed themselves injured by the judgment pronounced in the different county courts might appeal.

The *witenagemot*, or great national council, which was composed of all the landed proprietors of the kingdom, possessed of the necessary qualifications, seems to have been convened by the king occasionally, for legislative purposes only.

This is the constitution of that government which the Almighty established in England during the reign of *Alfred the Great*. In the proposed Inquiry into the *Origin of Government and Law*, it will be clearly shown, that the plan

upon which this divine system of government is formed, is precisely the same as that upon which all nature is built; and that it is also a perfect copy of that system which the Creator himself established at the very creation of the world, for the government of all his works.

But although the ancient history of England gives us this clear view of the constitution of that government which was established there, by *Alfred the Great*, it is so much blended with the corruptions that were afterwards gradually, and, perhaps, imperceptibly introduced, that we have at this time no clear knowledge of the particular qualifications that were necessary to qualify the different ranks of men to sit as the constituent members or jurymen in these different courts of justice. We have, however, good reason to believe, that the rank and dignity of the constituent members of these different courts of justice, was always conformable to the power and authority of that particular court which they composed; and as this is a perfect copy of the constitution of the government of nature itself, it will be found from the proposed Inquiry before alluded to, that it must of necessity have been so.

That these natural courts of justice, as estab-

lished by Alfred the Great, were the true origin of the trial by jury in England, seems to be unquestionable. But we find that they were composed of a very superior description of men to those who now compose the English juries in their different courts of justice. These ancient juries were, indeed, an invulnerable bulwark against all tyranny and oppression; for as no law could be enacted by the king, without the consent of the principal landed proprietors, or natural heads of the people, and as the different ranks of landed proprietors were themselves the executors of these laws, it is obviously impossible that any kind of tyranny or oppression could exist under this divine system of government.

That these ancient jurymen were bound to pronounce judgment conformable to that natural law, or intuitive knowledge of right and wrong which the Creator has wrote upon the minds of all men; or, in other words, *according to equity and a good conscience*, is exceedingly evident from the oath which they were obliged to swear, viz. "That they would condemn no innocent person, nor suffer any guilty man to escape."

The form of procedure in these courts was precisely the same as that which the Almighty

himself prescribed for the administration of justice, and also precisely the same as that which the legislature of these kingdoms has prescribed for the *small-debt courts in Scotland*.—*The cause of both parties were brought before the judges; and, after hearing the parties, and the witnesses on both sides, the cause was determined by the votes of the whole assembly.* We find that the magistrate who presided in these different courts of justice, was not permitted to give any vote or opinion in any cause that come before the court; he had *only a right to collect the votes, and to carry the verdict of the jury into execution.*

Every man who attentively and candidly considers this divine system of government that was established in England in the reign of Alfred the Great, must perceive that the perfect re-establishment of it, would not only immediately relieve the nation from that grievous thralldom and oppression which it now suffers from the courts of law, but also of that grievous burden which the *poor-laws* have brought upon every part of England, and upon some parts of Scotland.

It is only necessary to consider the constitution of the lowest member of the state under this divine government, viz. the *titling*, to perceive that it would immediately render the

poor-laws altogether unnecessary. It is, however, proper to observe, that in the present state of the society, every *tithing* ought to consist of, at least, one whole parish.

“ One of the lowest magistrates among the Anglo-Saxons was called the *borsholder*, or *tithing-man*, whose authority extended only over one free burgh, tithing, or decennary, consisting of ten families. Every freeman who wished to enjoy the protection of the laws; and not to be treated as a vagabond, was under a necessity of being admitted a member of the tithing where he and his family resided; and in order to obtain this admission, it was as necessary for him to maintain a good reputation, because all the members of each tithing being mutual pledges and sureties for each other, and the whole tithing sureties to the king, for the good behaviour of all its members, they were cautious of admitting any into their society who were of bad or doubtful characters.”*

“ A tithing was sometimes called a neighbourship, and its members the neighbours, who were strongly attached to each other’s interest, and frequently united by the ties of

* Henry’s History, Vol. III. pages 333, 334.

" blood. The neighbours fought in one band
 " in the day of battle, and often ate at one table
 " in the days of peace. If any quarrel happen-
 " ed at the common table of the neighbourship,
 " a severe fine was paid by him who was to
 " blame. If one of the neighbours was wronged,
 " all the rest assisted to procure redress ; if one
 " sustained a loss by fire, the death of cattle, or
 " any other accident, all the rest contributed to
 " repair the loss ; *if one of the neighbours became*
 " *poor, the rest supported him ;* all the neigh-
 " bours attended all the funerals, marriages, and
 " festivals of the neighbourship ; and, finally, if
 " one of the neighbours, or members of a tith-
 " ing, behaved ill, he was solemnly expelled
 " the society, which was one of the greatest dis-
 " graces and calamities in which a man could
 " be involved : from that moment he sustained
 " a loss of character, became an outlaw and va-
 " gabond, and was exposed to a thousand in-
 " sults."

We shall conclude this quotation with the
 very just remark that our author makes upon it.
 He says,

" It doth not seem to be possible for human
 " wisdom to contrive a political arrangement
 " more admirably adapted than this was, for

"promoting the peace and good order of so-
 "ciety. We need not, therefore, be surprised
 "to hear of the prodigious effects it is said to
 "have produced, when it was fully established,
 "and strictly executed, in the reign of Alfred
 "the Great. *By this means (says Ingulphus) so*
 "*profound a tranquillity, and such perfect security,*
 "*were established over all the land, that if a tra-*
 "*veller left, or lost, ever so great a sum of money*
 "*in the open fields or highways, he was sure of*
 "*finding it next morning, or even a month after,*
 "*entire and untouched,**"

Is it possible for human wisdom to devise a
 system of government so admirably fitted for
 the general defence of the nation, against the
 invasion of foreign enemies, or for suppressing
 internal commotions, as that divine system which
 was established in England in the reign of Al-
 fred the Great? Like that divine system of go-
 vernment which the Almighty established in Is-
 rael in the reign of David, the natural heads of
 the people were appointed to be the leaders of
 the army in time of war, as well as their judges
 in time of peace. Is it possible for human wis-
 dom to contrive a plan so perfectly calculated to
 unite a nation together into one body for its

* Henry's History, Vol. III. pages 336, 337.

common defence as this is? Under this system of government, every man knows and is intimately acquainted with the leader; whose commands he is bound to obey; and if these leaders are properly chosen, they will be the very men on whom he is disposed to place the most confidence, and to whose authority he is naturally disposed to yield a cheerful and ready obedience.

It is now proposed as a part of the plan for the general defence of the nation at this critical period, to raise a militia force in every county of the kingdom. This we cannot hesitate to say, is a wise measure, because we see it is perfectly founded upon the divine government. But ought not those natural heads of the people, who will, it is to be hoped, ere long become their judges, to be appointed as the leaders of these different parts of the national army? The Lords Lieutenants of the different counties are unquestionably the natural heads of the different counties, and as such ought certainly to be invested with the supreme command of all the forces raised in the county. These natural heads of the people being all united together under the authority of the King, will form altogether the great national army. And with such

a bulwark of defence, and the blessing of the Almighty, what have we to fear from foreign foes.

Having shown the thralldom and oppression which the inhabitants of these kingdoms are now subjected to, by that undefinable system of law which the Pope of Rome originally introduced, and which is still administered, and by these iniquitous practices which were thereby introduced, and which still prevail in all our courts of justice; and having also shown the power which the different ranks of landed proprietors of England possessed in the government of the country, and in the administration of the law, during the reign of Alfred the Great, it now only remains to show by what means the landed proprietors of the kingdom were deprived of this power in the government of it, which their forefathers enjoyed. It must not, however, be expected that the particular means which were employed to deprive them of this power, can at this time be minutely detailed. The progress of evil in the world, as well as the *kingdom of God*, may be justly compared to a *grain of mustard seed*. We know from the history of mankind, that it has been always exceed-

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ingly small in the beginning, and that it has increased imperceptibly, until at last it became an immense tree, and involved the whole earth in darkness and misery.

We learn from the history of mankind, that into whatsoever state or kingdom, the Pope introduced, and found means to establish his false system of religion, that slavery and oppression became its natural offspring. Tyranny and covetousness are indeed the prominent features in this false system of religion. The minds of the people being once brought under bondage, it became easy for the Pope and his ministers, under the mask of religion, to plunder them of whatever portion of their wealth they pleased.

It is of no importance, at present, to inquire whether it was during the latter part of the reign of Alfred the Great, or how long it was thereafter, that the Pope introduced his false system of Roman law into the kingdom. It is sufficient to know, from historical evidence, that it was introduced not very long thereafter; and that, like the Scriptures, it was concealed from the knowledge of the people who were required to obey it, being wrote in the Roman language, and not permitted to be translated into the language of the country. By the introduction

of this new system of law, he found means to introduce a new order of his creatures and dependents into the society, under the pretence of explaining and administering this law. These men became lawyers by profession, and were then called *labmen*, or law-men; and they were afterwards formed into a regular society, exactly similar to the constitution of the church of Rome, as will be shewn in the proposed Inquiry before alluded to; and this Romish institution has continued unaltered to this very day. About this time we find, that besides this Romish system of common law, which the Pope introduced into the kingdom, the statute laws, or at least the principal part of them, were then reduced into writing; and as there were but few of these landed proprietors who composed these different courts of justice that could either read or write, these law-men were introduced into the different courts of justice, to read and explain these written laws. Some of the most learned of them were elevated to the rank of assessors to the judges, and others of them acted as advocates and pleaders at the bar, for the interest of the parties by whom they were employed: in the same manner they have continued to do to this very day. As the number

of these law-men increased, the number of the assessors who were appointed to attend the magistrate who presided in the different courts, was increased also; at first, from *three to seven*, and afterwards, to *twelve*; and we find, that as the number of these assessors increased, the power of the landed proprietors in the different courts of justice decreased. After the number of these assessors was increased to *twelve*, they seemed to have been deemed a sufficient jury for the determination of any question that might come before the court; and we accordingly find, that the attendance of the landed proprietors in the great county-courts was gradually dispensed with. It was deemed sufficient for them to attend the two great courts that were held annually in each county, the one in the spring, and the other in the autumn. It is highly probable, that this dispensation with their attendance in the courts of justice, would be considered by these landed proprietors, at that time, as a matter of favour and indulgence; not perceiving that, by this relinquishment of their natural power in the administration of the law into the hands of these *law-men*, they were forging chains, not only for their own inthralment, but also for the inthralment of their posterity.

The smaller landed proprietors being thus stripped of their power in the administration of justice; that superior order of proprietors, or nobles, who presided in these ancient courts of justice were afterwards deprived of their power also in the administration of the law, and some of the higher order of these *law-men*, were appointed by the king as pecuniary judges, to administer justice to his subjects in their stead: all the landlords in the kingdom were then compelled to bow their necks, and receive that yoke which the Pope with the King's assistance, imposed upon them, and which, it has been already shown, all the inhabitants of these three united kingdoms, still continue to wear.

The landholders of the kingdom having been thus deprived of their natural power in the government of the country, it is obvious, that that divine system of government which the Almighty had established in England, by Alfred the Great, was nearly, if not completely overturned; and we find from the history of England, that, from that period, it became arbitrary and oppressive to all orders of men in the state, and continued to be so until the time of the Revolution in the year 1688.

As these pecuniary judges were all appointed

by the king, and held their offices during his will and pleasure only, they naturally became his instruments for enforcing his own arbitrary will upon the people as a law. Of this Judge Jeffries, in the reign of James the Second, is an infamous example.

We have no certain knowledge at what period it was, that the Pope was enabled to introduce the head of that society of lawyers which he had established in the kingdom, into the high court of parliament, under the title of the Lord Chancellor of England. But it is exceedingly obvious that he did, by that means, obtain the same absolute power in the administration of the law, so long as he supported the king in the exercise of his arbitrary government, that he had before obtained over the consciences of men, in matters of religion.

Having shown the constitution of that natural government which the Almighty himself established in England during the reign of Alfred the Great; the power with which the landholders of the kingdom were invested under that divine system of government; the means by which they were deprived of that power; and having also shown the arbitrary dominion, which the judges in the courts of law have thereby acquired over

all orders of men in the state, and the grievous oppression which they are thereby made to suffer ; it now remains for the different orders of landed proprietors in the kingdom, to determine for themselves, whether they will, or will not continue to wear this disgraceful yoke of slavery. If they shall unanimously determine to become free, and resume that power which their ancestors possessed in the government of the country during the reign of Alfred the Great, it is exceedingly obvious that no power on earth can prevent them.

But whether they shall be disposed to listen to the truth, and thereby become free, or shut their ears and continue under bondage ; I call heaven and earth, and their own consciences to witness against them, that the things which I have told them are true.

That the Spirit of God may enlighten the minds of all the inhabitants of these kingdoms, in the perfect knowledge of truth and freedom ; that they may become his instruments for diffusing this knowledge of truth and freedom over all the earth ; that the kingdom of God, and his righteous law, may be soon perfectly established, and faithfully enforced, in this kingdom ; and that our beloved Sovereign and his

posterity may become thereby entitled to inherit the throne of these dominions, until time shall be no more, is the sincere prayer of

THE AUTHOR.

PROSPECTUS.
OF THE
PROPOSED INQUIRY INTO THE ORIGIN OF
GOVERNMENT AND LAW.

Which is at present nearly ready for the Press.

THIS Inquiry will consist of two parts :

First, an inquiry into that system which the Creator established at the beginning, for the government of the natural world ; and,

Secondly, an inquiry into the system which he then also established for the government of the moral world. The first part will contain,

First, an inquiry into the nature of these principles, or spiritual agents, which the Creator has been pleased to employ and which he still continues to employ as his ministers, for the execution of his will, in the formation, preservation, and reproduction of all material bodies.

Secondly, an inquiry into the plan upon which all nature is formed.

Thirdly, into the system by which it is governed.

And, lastly, an explanation of the law by which this government is regulated.

In the first chapter of the second part it will be shown, that that system, which the Creator has ordained for the government of all mankind was established at the very creation of man ; and that it was for this purpose, and for the gradual production of mankind upon the earth, that he created them *male and female*.—It will be shown, that after this divine system of government had been twice overturned by the wickedness of man, it was again re-established in Israel, when David was called to the throne of that kingdom ; and that, after it had been again overturned by the wickedness of David's successors, it was, last of all, re-established in England during the reign of *Alfred the Great*. And it will also be shown, that that system of government, which was then established in England, as described by Dr. Henry in his History of Britain, is a perfect copy, not only of that which the Creator established in Israel, but also, of that which he has established for the government of all his works.

In the second chapter, it will be shown, by what means this divine system of government was overturned in England, by Alfred's successors, and by what means it was again re-established in its present imperfect state.—It will be shown that a great many of our present statute laws are inconsistent with the law which the Almighty established in Israel, for the regulation of his government; and that the generality of our revenue laws, are not only altogether inconsistent with the natural freedom of man, and obstruct the natural improvement of the country; but that they have also a direct tendency to corrupt the morals and destroy the fear of God in the minds of the people.

In the third chapter it will be shown by what simple and easy means this divine system of government may be again, at this time, perfectly re-established in this kingdom; and that all these evils and oppressions, of which the inhabitants of this kingdom now complain, will be thereby completely removed.

The last chapter will contain such practical observations as naturally arise from the whole of the subject.

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